E/CONF. 34/24/Add. 1

United Nations Conference for the adoption of a Single Convention on Narcotic Drugs

New York — 24 January - 25 March 1961

Official Records

Volume II :

Preparatory documents, amendments and miscellaneous papers

Proceedings of Committees

Final Act

Single Convention and Schedules

Resolutions

UNITED NATIONS

United Nations Conference
for the adoption
of a Single Convention
on Narcotic Drugs

New York — 24 January - 25 March 1961

Official Records

Volume II :

Preparatory documents, amendments and miscellaneous papers

Proceedings of Committees

Final Act

Single Convention and Schedules

Resolutions

UNITED NATIONS — NEW YORK, 1964

E/CONF.34/24/Add.1

UNITED NATIONS PUBLICATION

Sales No.: 63. XI. 5

Price: U.S. $3.50
(or equivalent in other currencies)

TABLE OF CONTENTS

I. — THIRD DRAFT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS [1]

[E/CN.7/AC.3/9]
[*11 September 1958*]
[*Original: English*]

TABLE OF CONTENTS

[1] As adopted by the Commission on Narcotic Drugs (hereinafter referred to as " the Commission ") at its twelfth and thirteenth sessions — Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 10, document E/3010, Rev. 1, Chapter XII and Annex VI; and Twenty-sixth Session, Supplement No. 9, document E/3133, Chapter XII and Annex V.

PREAMBLE

Chapter I. *DEFINITIONS*

Article 1

Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(*a*) " Board " means the International Narcotics Control Board referred to in article 5 and as constituted under article 13.

(*b*) " Cannabis plant "[2] means [Cannabis sativa L.] [any plant of the genus Cannabis].

[(*c*) " Cannabis " means the [dried] flowering or fruiting tops of the Cannabis plant from which the resin has not been extracted, by whatever name they may be designated in commerce.]

[(*c*) " Cannabis " means the leaves or tops (excluding the seeds when not accompanied by other parts of the tops) of the Cannabis plant.]

(*d*) " Cannabis resin " means the separated or partially separated resin, whetеher crude or purified, of the cannabis plant.

[(*e*) " Coca bush " means the plants Erythroxylon Coca Lamarck and Erythroxylon novo-granatense (Morris) Hieronymus and their varieties.]

[(*e*) " Coca bush " means the Erythroxylon Coca of Erythroxylon novogranatense.]

[(*f*) " Coca leaf " means:

(i) the leaf on the coca bush [except a leaf from which all cocaine, ecgonine, or alkaloids thereof have been removed].[3]

(ii) any other leaf containing cocaine, ecgonine or any alkaloid thereof.

(*g*) " Commission " means the International Narcotics Commission referred to in article 5 and charged with the functions under this Convention.

(*h*) " Council " means the Economic and Social Council of the United Nations.

(*i*) " Crude cocaine " means any extract of coca leaf which can be used for the manufacture of cocaine.

(*j*) " Cultivation " includes the act of growing the opium poppy, coca bush, and cannabis plant.

(*k*) " Drug " means any of the substances listed or described in Schedules I and II, or any substance which shall be added thereto in accordance with the procedure provided for in this Convention, because it is or may be liable to similar abuse and productive of similar ill-effects as the substances so listed.[4]

(*l*) " General Assembly " means the General Assembly of the United Nations.

(*m*) " Government purposes " means the use by the government for its armed forces and to meet exceptional circumstances.

(*n*) " Government stocks " means stocks kept under government control for government purposes.

(*o*) " Illicit traffic " means the cultivation of the plants referred to in paragaph 2 of article 2, the production, manufacture of, trade in, distribution or possession of drugs by unauthorized persons.

(*p*) " Import " and " export " mean in their respective connotations the physical transfer of drugs from one State to another State, or from one territory to another territory of the same State.

(*q*) " Manufacture " means all processes, other than production, by which drugs may be obtained and includes refining as well as the transformation of drugs into other drugs by chemical processes.

(*r*) " Medicinal Opium " means opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopoeia, whether in powder form or granulated or otherwise or mixed with neutral materials.

(*s*) " Opium poppy " means the plant Papaver somniferum L. and any other species of Papaver which may be used for the production of opium.

(*t*) " Opium " means the coagulated juice of the opium poppy.

(*u*) " Party " means a contracting State which has either signed without reservation as to acceptance, or has accepted this Convention in accordance with article 48.

---

[2] In connexion with this and all other botanical references, including coca bush, opium poppy, etc., the alternatives are retained for the reason that they involve technical botanical considerations which should be reserved for discussion at the plenipotentiary conference.

[3] In view of the provisions of article 38, the words in square brackets may not be required.

[4] It would seem preferable that the criteria for the addition of a substance to a Schedule should be contained in the Convention itself, presumably in article 3 which makes provision for changes in the scope of control. In that case, it would be sufficient to define a drug with reference to the Schedules and the additions thereto, as provided in the Convention.

(*v*) " Poppy straw " means all parts (except the seeds) of the opium poppy, after mowing, which are intended for use in the manufacture of opium alkaloids.

(*w*) " Preparation " means a mixture, solid or liquid, containing a drug.

(*x*) " Production " means the separation of opium, poppy straw, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.

(*y*) " Secretary-General " means the Secretary-General of the United Nations.

(*z*) " Stocks " means the total amount of a drug lawfully held in a country or territory other than the amount held by (*a*) retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, and (*b*) by, or under the control of, the government for government purposes.

(*aa*) " Synthetic drug " means a drug other than an alkaloid of the opium poppy and coca bush, cannabis and cannabis resin, or a drug obtained from such an alkaloid, cannabis or resin. Such an alkaloid and drug shall not be considered a synthetic drug though it is actually obtained from other plants or made artificially.

(*bb*) " Territory " means any part of a State which is treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 42. This definition shall not apply to the term " territory " as used in article 50.

Chapter II. *SCOPE OF THE CONVENTION*

Article 2.— *Substances under Control*

1. The drugs listed in Schedules annexed to this Convention shall be subject to such measures of control as are respectively provided for them in this Convention as follows:

(*a*) Except as otherwise specifically provided, drugs listed in Schedule I are subject to all measures of control applicable to drugs, and in the case of drugs in Schedule I which are also listed in Schedule IV, such drugs shall in addition be subject to the special measures provided in sub-paragraph (*e*) below;

(*b*) Drugs listed in Schedule II are subject to the same control measures as those in Schedule I, except as otherwise provided;

(*c*) Preparations other than those listed in Schedule III are subject to the same measures of control as the drugs which they contain;

(*d*) Preparations listed in Schedule III are exempt from the provisions of this Convention except as otherwise provided;

(*e*) Drugs listed in Schedule IV shall be subject to the following measures: the Parties shall prohibit the production, manufacture of, trade in, possession and use of such drugs except for small amounts for medical and scientific research including controlled clinical experiments. A special authorization valid for a period to be specified therein shall be required for such use.[5]

2. The opium poppy, coca bush and cannabis plant shall be subject to such control measures as are specifically provided.

3. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of synthetic and other drugs, such measures of supervision as may be practicable.

4. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) they ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill-effects (article 1 (*k*)) and that the harmful substances cannot in practice be recovered; and

(*b*) they include in the statistical information (article 27) furnished by them figures on the amount of each drug so used.

5. Schedules I, II, III and IV as modified from time to time in accordance with article 3 shall form an integral part of this Convention.

Article 3.— *Changes in the Scope of Control*

1. Where a Party has information which, in its view, may require an amendment to any of the Schedules, it shall notify the Secretary-General, furnishing at the same time all relevant information. A notification to the same effect may also be made by the World Health Organization.

2. The Secretary-General shall transmit such notification to the Parties, to the Commission and, where the notification is made by a Party, to the World Health Organization.

3. Upon receipt of a notification under paragraph 2 and after consultation with the World Health Organization, the Commission may amend any of the Schedules, and if the Commission finds that the liability of the substance in question to be abused and to produce ill-effects (article 1(*k*)) is particularly great and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, it shall place such substance in Schedule IV.[6]

[5] The representatives of Canada and the United Kingdom thought it was undesirable to embody in the Draft Convention a list of drugs the prohibition of which was prescribed or recommended, and that the paragraphs concerned (article 2, paragraph 1 (e) and part of article 3, paragraph 3 of the revised text, as reproduced in this text) should be omitted. The terms " representative " and " observer " used in the footnotes refer to representatives and observers on the Commission.

[6] The representatives of Canada and the United Kingdom thought that States should not be asked to bind themselves in advance to prohibit any drugs which the Commission might choose to add to Schedule IV. They thought that the relevant part of this paragraph should be omitted; see also footnote 5 referring to article 2, paragraph 1 (e).

4. Upon receipt of a notification regarding the inclusion of an additional substance in the system of control established by this Convention, the Commission may, prior to consultations with the World Health Organization, recommend that the Parties apply provisionally to that substance the provisions of this Convention relating to drugs in Schedule I.

5. Decisions of the Commission taken in accordance with this article shall not be subject to review by the Council as provided in article 10.

Chapter III. *OBLIGATIONS OF PARTIES*

Article 4

1. The Parties shall take all legislative and administrative measures necessary:

(*a*) to give effect to and carry out the provisions of this Convention within their own territories, and

(*b*) to co-operate with other States in the execution of the provisions of this Convention and in particular

2. Shall:

(*a*) maintain the international and national control organs required for the carrying out of the provisions of this Convention;

(*b*) furnish the international control organs with the information required by them for the performance of their functions under this Convention;

(*c*) fight the illicit traffic and provide for effective [7] penal sanctions to ensure the observance of laws and regulations enacted in pursuance of this Convention;

(*d*) use their best endeavours to treat and rehabilitate drug addicts; and

(*e*) carry out decisions of the international control organs which are binding upon them under this Convention, and consider sympathetically,[8] for acceptance and performance, recommendations relating to the aims of this Convention which may be adopted by these organs or by other competent organs of the United Nations.

Chapter IV. *INTERNATIONAL CONTROL ORGANS*

Article 5.— *The International Control Organs*

The Parties recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust the following international organs with the functions assigned to them under this Convention:

(*a*) the International Narcotics Commission; and

(*b*) the International Narcotics Control Board.

Article 6.— *Expenses of the International Control Organs*

The expenses of the international drug control organs will be borne by the United Nations in such a manner as shall be decided by the General Assembly. The Parties which are not members of the United Nations shall contribute to these expenses such amounts as the General Assembly shall find equitable and assess from time to time after consultation with the Governments of these Parties.

The Commission

Article 7.— *Constitutional Position and Continuity of Function*

1. The Commission shall be a functionnal Commission of the Council.

2. The term of office of each Member of the Commission shall, for the purpose of this Convention, end on the eve of the first meeting of the Commission which its duly elected successor shall be entitled to attend.[9]

Article 8.— *Privileges and Immunities*

Representatives of Members on the Commission, their deputies, assistants and advisers shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions under this Convention.[10]

Article 9.— *Committees*

The Commission may, by a two-thirds' majority of its Members present and voting, authorize a Committee of its Members to perform such of its functions

[7] The Drafting Committee, i.e. the Committee responsible for preparing a revised draft for adoption by the Commission at its twelfth and thirteenth sessions (E/3010/Rev.1, Chapter XII and E/3133, Chapter XII) hereinafter referred to as " the Drafting Committee ", considered several alternative wordings and finally decided that the word " effective " best described the three aspects of importance for the purpose of penal sanctions, viz. the deterrent, the punitive and the corrective. A minority of the Commission (China, France, Turkey and the United States) proposed that the word " effective " should be replaced by the word " severe "; see, however, article 45, paragraph 1 (c), where the word " severe " is used.

[8] The Drafting Committee was advised by the Legal Office of the United Nations Secretariat (hereinafter referred to as " the Legal Office ") that this wording, " considered sympathetically ", was to be found in other United Nations instruments.

[9] The Iranian representative was of the opinion that, since the number of Members of the United Nations had in the last two years increased by one fourth, viz. 22, the number of the members of the International Narcotics Commission should be increased accordingly.

The Turkish representative declared that, since the Commission was not an organ created by a decision of the Economic and Social Council and its functions were not fixed by the Council, but was a body set up by the Single Convention and having the prerogatives provided thereby, its composition should be determined by this Convention.

[10] The representative of the United Kingdom stated that it was the view of his Government that, as the Commission would be a functional Commission of the Economic and Social Council, the Convention should not purport to deal with the privileges and immunities of Members of the Commission.

The Legal Office, referring to article 9 of the Second Draft (E/CN.7/AC.3/7 and Corr.1) which is nearly identical with article 8 of the present (Third) Draft, advised that a specific reference to article IV of the United Nations Convention on Privileges and Immunities would be preferable. It suggested the inclusion of a list of privileges and immunities if it did not seem desirable to make such a reference.

under this Convention as it shall see fit, and under such conditions as it shall in each case determine.[11]

Article 10.— *Decisions and Recommendations*

1. Except as provided in article 3, paragraph 5, of this Convention, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject:

(*a*) to the right of the Council, to be exercised not later than at its first regular session commencing after the end of the session of the Commission at which a decision or recommendation was adopted, to approve, modify or refer to the General Assembly such decision or recommendation. The Council may waive this right;

(*b*) to approval by the Council, if the Commission so requests; and

(*c*) to approval or modification by the General Assembly if the Council decides to refer such decision or recommendation to the General Assembly in accordance with sub-paragraph (*a*) above.

2. Each decision or recommendation of the Commission shall come into force in respect of each Party upon the receipt of a notification of the Secretary-General that the provisions of this article have been satisfied and of a copy of the final text of the decision or recommendation in question.

Article 11.— *Functions of the Commission*

The Commission shall consider all matters pertaining to the aims of this Convention, and in particular:

(*a*) shall determine the composition of the schedules in accordance with article 3:

(*b*) shall (i) consider what changes may be required in this Convention;

(ii) prepare draft instruments; and

[(iii) select the amendment procedure and adopt amendments to this Convention in accordance with article 54;][12]

(*c*) may (i) request States to supply such information as it may find necessary for the performance of its functions in accordance with this Convention, in such manner and by such dates as it may from time to time determine;

(ii) on the recommendation of the Board amend the list of items in respect of which Parties are required to furnish statistics and estimates in accordance with articles 27 and 28;

(*d*) shall discuss and appraise in the light of the aims and provisions of this Convention any information at its disposal;

(*e*) shall call the attention of the Board to any matters which may be relevant to the functions of that organ;

(*f*) may recommend programmes of scientific research and exchanges of information of a scientific or technical nature;

(*g*) shall make such other recommendations as it may consider useful for the implementation of the aims and provisions of this Convention;

(*h*) may decide to communicate to governments and to publish information at its disposal;

(*i*) may request States which are not Parties to carry out decisions which it adopts in accordance with this Convention; and

(*j*) shall perform such other functions under the Charter of the United Nations as the Council may direct.[13]

Article 12.— *Secretariat*

The Secretariat of the Commission shall be provided by the Secretary-General.

The Board

Article 13.— *Composition*

1. The Board shall consist of nine members to be elected by the Council as follows:

(*a*) Two members with medical, pharmacological or pharmaceutical experience from a list of at least three persons nominated by the World Health Organization; and

(*b*) Seven members from a list of persons nominated by the Members of United Nations and by Parties which are not Members of the United Nations.[14]

2. The Commission may authorize the representative of one of its Members to attend the sessions of the Board as an observer.

3. Members of the Board shall be such persons as, by their technical competence, impartiality and disinterestedness, will command general confidence, and while in office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions on

[11] The representative of the United Kingdom stated that his Government regarded this article as unnecessary, as the question of the extent to which the Commission should act by means of a Committee of its members was a matter which could safely be left to the Commission itself to decide.

[12] A decision on clause (iii) was deferred by the Commission at its twelfth session until article 54 had been considered; the representatives of Mexico, Turkey, the Union of Soviet Socialist Republics and Yugoslavia proposed the deletion of this clause, since their Governments were opposed to granting the Commission the powers mentioned therein. When considering the amendment provisions (article 54) at its thirteenth session, the Commission did not take a decision on this clause; see also footnote 54 relating to article 54.

[13] The representatives of the United Kingdom and Yugoslavia considered that this paragraph should be deleted as being outside the scope of the Convention.

[14] The following countries, namely, China, Japan, Mexico, Peru, and the Union of Soviet Socialists Republics, proposed that there should be references to the necessity for equitable geographical representation in the constitution of the Board.

the Board. The Council shall, in agreement [15] with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its duties under this Convention.

4. The Council shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand, and in the consuming countries on the other hand, and connected with such countries.[16]

Article 14.— *Terms of Office*

1. The Members of the Board shall serve for a period of five years and be eligible for re-election.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his duly elected successor shall be entitled to attend.

3. A member of the Board who has failed to attend:

(*a*) four sessions of the Board during his term of office; or

(*b*) all the sessions during a full calendar year, shall be deemed to have resigned.

4. The Council by a three-fourths majority and on the recommendation of the Board, may dismiss a member of the Board whom it finds not to fulfil the conditions required for membership.[17]

5. Where a vacancy occurs on the Board during the term of office of a member of the Board, the Council shall fill such vacancy for the remainder of the term in accordance with the applicable provisions of article 13.

[15] In accordance with the decision of the Commission, the word " agreement " was retained, but the Drafting Committee suggested that the word " consultation " was preferable to the word " agreement "; the representatives of Canada, France, Hungary, India, the Union of Soviet Socialist Republics, the United Kingdom and Yugoslavia stated that they preferred the word " consultation " to the word " agreement "; see also footnote 23 relating to article 24 of this revised text.

[16] Mr. May of the Permanent Central Opium Board, hereinafter referred to as " PCOB ", supported by the representatives of Canada, China, France, Hungary, Iran, Mexico, the United Kingdom, the United States and Yugoslavia suggested that the words " persons possessing a knowledge of the drug situation " did not make sufficiently clear to governments nominating candidates for membership of the Board what the necessary qualifications were. Thus, some such words as " and a knowledge of the international conventions and their operation or a willingness to acquire such knowledge " should be added.

The representatives of Turkey declared that the Council should bear in mind the advantages of the Board's including three representatives of producing countries, three representatives of manufacturing countries and one representative of a consuming country.

[17] The representatives of Mexico, the United Kingdom and Yugoslavia supported the view expressed by the Legal Office that voting by a three-fourths majority in the Council might be inconsistent with article 67 of the Charter of the United Nations whereby decisions of the Council are made by a simple majority. To get round this difficulty, the representatives of those countries favoured amending this clause to provide that dismissals of members of the Board would be made by a simple majority of the Council acting on a recommendation of a three-fourths majority of the Board.

Article 15.— *Privileges, Immunities and Remuneration*

1. Members of the Board shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions under this Convention.[18]

2. The Secretary-General shall have the right to waive the immunity of any member of the Board in any case where in his opinion the immunity would impede the course of justice and can be waived without prejudice to the proper performance of the functions of the Board.

3. The members of the Board shall receive adequate remuneration as determined by the General Assembly on the recommendation of the Council.

Article 16.— *Rules of Procedure*

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.

2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

Article 17.— *Delegation of Authority*

With the exception of the measures provided for in article 22, the Board may, under such conditions as it shall determine, authorize one or more of its members and in appropriate cases, its Secretary, to perform such of its functions as it may see fit.[19]

[18] See footnote 10.

[19] It was proposed by the representatives of Turkey and the United States that article 17 should read as follows:

" With the exception of the measures listed below, the Board may, under such conditions as it shall determine, authorize one or several of its members forming a committee and in appropriate cases members of its Secretariat, to perform such of its functions as it may see fit:

" 1. The recommendation to the Commission to modify, by addition, change or deletion, the list of items of which Parties are required to furnish estimates in accordance with article 28 (article 11 (*c*) (ii)).

" 2. The fixing of the date or dates by which and the manner in which such estimates should be furnished and requesting the use of forms (article 20, paragraph 1).

" 3. The establishment of an estimate by the Board for any State which fails to furnish an estimate by the date specified by the Board (article 20, paragraph 3).

" 4. The deeming of an estimate to be unsatisfactory; requesting explanations from the State concerned in accordance with paragraph 4 of article 20, and the reiteration of such request after an appropriate interval; provided that a decision made by the Board under this paragraph may be delegated, for implementation only, to a duly constituted committee. (Part of the text of paragraph 4 refers to sub-paragraph 4 (*b*) of article 21 of the Second Draft of the Single Convention (E/CN.7/AC.3/7 and Corr.1). This sub-paragraph was not taken over into the present (Third) Draft. The reference to paragraph 4 of article 20 of the present (Third) Draft was substituted for the original reference to paragraph 5 of article 21 of the Second Draft, which corresponded to paragraph 4 of article 20 of the present (Third) Draft.)

" 5. The periodical issuance by the Board of such information on the estimates as, in its opinion, will facilitate the execution by all States of the provisions of this Convention (article 20, paragraph 6); provided that a decision by the Board under this paragraph

Article 18.— *Decisions*

Except as provided elsewhere in this Convention or unless the Board fixes a different date, every decision taken by the Board in accordance with the provisions of this Convention shall come into force in respect of each Party upon receipt of a notification of such decision.

Article 19.— *Functions of the Board*

The Board shall:

(*a*) administer the estimate system (article 20);

(*b*) administer the system of statistical returns (article 21);

(*c*) take steps toward ensuring that the supply limits in accordance with article 29 are not exceeded;

(*d*) supervise exports of drugs to non-Parties in accordance with the provisions of this Convention;

(*e*) adopt the measures which it may take under this Convention in order to ensure the implementation of its provisions by all States (article 22);

(*f*) report to the Council and Parties on the execution of its functions under this Convention (article 23); and

(*g*) make such recommendations as it may deem useful for the performance of its functions under this Convention.

Article 20.— *Administration of the Estimate System*

1. The Board shall fix the date or dates by which, and the manner in which, estimates shall be furnished and shall prescribe the use of forms therefor (article 28).

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the governments concerned to furnish estimates in accordance with the provisions hereof.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board, in establishing such estimates, shall to the extent practicable, do so in co-operation with the government concerned.[20]

4. The Board shall examine the estimates, including supplementary estimates, and, excep as regards requirements for government purposes, may require such information as it may consider necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board shall, as expeditiously as possible, confirm the estimates, including supplementary estimates, or, with the consent of the government concerned, may amend such estimates.

6. In addition to the reports mentioned in article 23, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the implementation of this Convention.

Article 21.— *Administration of the Statistical Returns System*

1. The Board shall determine the manner in which statistical returns shall be furnished and shall prescribe the use of forms therefor (article 27).

2. The Board shall examine the statistical returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention.

3. The Board may require such information as it may consider necessary to complete or explain the information contained in these statistical returns.

4. It shall not be within the competence of the Board to question or express an opinion on statistical information respecting drugs required for government purposes.

---

may be delegated, for implementation only, to a duly constituted committee.

" 6. The recommendation to the Commission to modify, by addition, change or deletion, the list of items on which Parties are required to furnish statistics in accordance with article 27 (article 11 (*c*) (ii)).

" 7. The determination of the manner in which such statistics should be furnished, and requesting the use of forms (article 21, paragraph 1).

" 8. The examination of the statistical returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention and, in particular, with those of articles 27-29 (article 21, paragraph 2); provided that a decision by the Board under this paragraph may be delegated, for implementation only, to a duly constituted committee.

" 9. The [requiring] [requesting] Parties to furnish further information or details deemed necessary to complete or explain the information contained in the statistical returns (article 21, paragraph 3); provided that a decision by the Board under this paragraph may be delegated, for implementation only, to a duly constituted committee.

" 10. The communication and publication of an account of the explanations given or [required] [requested] in accordance with paragraph 3 of article 21, and any observations which the Board may desire to make in respect of any particular statistical return, explanation or request for explanation.

" 11. Adoption of the measures provided for by this Convention to ensure the execution of its provisions by all States (articles 19 (*e*) and 22).

" 12. Preparation of a report to the Council and Parties on the execution of its functions under this Convention (articles 19 (*f*) and 23); but presentation of the report may be delegated to a duly constituted committee.

" 13. The making of such recommendations as it may deem useful for the performance of its functions under this Convention (article 19 (*g*))."

The representative of Yugoslavia was in agreement with paras. 2, 3, 4, 8, 9, 10, 11 and 13 of this proposed text of article 17.

The text proposed by the representatives of Turkey and the United States is based on the text of the Second Draft of the Single Convention. The original references to provisions of the Second Draft were, however, replaced by the Secretariat by references to provisions of the Third Draft.

[20] The representatives of Hungary, the Union of Soviet Socialist Republics and Yugoslavia thought that it was inadmissible to allow the Board to establish estimates in respect of the States which were deprived of the possibility of becoming parties to the Convention.

Article 22.— *Measures to Ensure the Execution of Provisions of the Convention*

1. The Board, in the performance of its functions and in order to ensure that the provisions of this Convention are carried out, may adopt the following measures:

(*a*) Request information from governments.

(*b*) If the Board, on the basis of information in its possession, has reason to believe that the provisions of this Convention are not substantially being carried out in any country or territory or that the drug situation in any country or territory requires elucidation, the Board shall have the right to ask for explanations from the government in question.

(*c*) If the Board thinks fit, it may call the attention of a government to its substantial failure to carry out the provisions of this Convention or to a gravely unsatisfactory drug situation in the territory under its control.

Subject to the right of the Board to make public declarations or to publish information in accordance with this Convention, the Board shall treat as confidential a request for information or explanation or a communication as provided in sub-paragraphs (*a*), (*b*) and (*c*) above.

(*d*) The Board may call upon a government to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(*e*) Where the Board has reason to believe that a local inquiry would contribute to the elucidation of the drug situation in a country or territory, it may propose to the government concerned that a person or a committee of inquiry designated to this end by the Board be sent to that country or territory. If the government fails to reply within four months to the Board's proposal, such failure shall be considered a refusal to consent. If the government expressly consents to the inquiry it shall be made in collaboration with officials designated by that government.[21]

2. If the Board finds that the substantial failure of a State to carry out provisions of this Convention is seriously impeding the control of drugs in the territory of another State, it may :

(*a*) Call the attention of the Parties and of the Council to the matter;

(*b*) Make a public declaration that in its opinion a Party has violated its obligations under this Convention or that any other State has failed to take the measures necessary to prevent the drug situation in its territory from becoming a danger to the effective drug control in the territory of other Parties or States. If the Board makes such a declaration it shall also publish the views of the government concerned if the latter so requests.

3. Recommendation of embargo :

If the Board finds :

(*a*) as a result of its study of the estimates and statistics furnished under articles 27 and 28, that a Party has failed substantially to carry out its obligations under this Convention or that any other State is seriously impeding the effective administration thereof, or

(*b*) in the light of the information at its disposal, that excessive quantities of drugs are accumulating in any country or territory or that there is a danger of that country or territory becoming a centre of illicit traffic, it may recommend an embargo on the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until it shall be satisfied as to the drug situation in such country or territory. The State concerned may bring the matter before the Council.

4. Mandatory embargo: [22]

(*a*) Announcement of, and imposition of embargo

The Board may, on the basis of findings made under sub-paragraphs (*a*) or (*b*) of paragraph 3 of this article, adopt the following measures :

(i) The Board may announce its intention to impose an embargo on the import of drugs or the export of drugs, or both, from or to the country or territory concerned;

(ii) If the announcement mentioned in sub-paragraph (*a*) (i) of this paragraph fails to remedy the situation, the Board may impose the embargo provided that the lesser measures set out in sub-paragraphs (*a*) and (*b*) of paragraph 2 of this article have failed or are unlikely to correct the unsatisfactory situation. The embargo may be imposed either for a definite period or until the Board is satisfied as to the situation in the country or territory concerned. The Board shall forthwith notify the State concerned and the Secretary-General of its decision. The decision of the Board shall be confidential and, except as expressly provided in this article, shall not be disclosed until it is established in accordance with sub-paragraph (*c*) (i) of this paragraph that the embargo is to take effect.

(*b*) Appeal :

(i) A State in respect of which a decision to impose a mandatory embargo has been taken may, within thirty days of receipt by that State of such decision, notify the Secretary-General confidentially in writing of its intention to appeal and within another thirty days, furnish in writing the reasons for such appeal;

(ii) The Secretary-General shall at the time of coming into force of this Convention request the President

[21] The representatives of Hungary, Mexico and the Union of Soviet Socialist Republics stated their opposition to the proposal to give the Board powers to conduct local inquiries. The representative of Yugoslavia emphasized that a provision permitting the Board to carry out a local inquiry might prevent certain States from accepting the new Convention; he was therefore in favour of the deletion of sub-paragraph (*e*).

[22] The representatives of Hungary, the Union of Soviet Socialist Republics and Yugoslavia thought that the right of the Board to impose the mandatory embargo unjustifiably extended its functions. They thought that the relevant part of the Single Convention (paragraph 4 of this article as reproduced in this text) should be omitted.

of the International Court of Justice to appoint an Appeals Committee consisting of three members and two alternates who, by their competence, impartiality and disinterestedness, will command general confidence. If the President of the International Court of Justice informs the Secretary-General that he is unable to make the appointment, or does not make it within a period of two months from the receipt of the request to do so, the Secretary-General shall make the appointment. The term of office of the members of the Appeals Committee shall be five years and any member may be eligible for re-appointment. The members shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Appeals Committee;

(iii) Vacancies on the Appeals Committee shall be filled in accordance with the procedure set out in sub-paragraph (*b*) (ii) of this paragraph;

(iv) The Secretary-General shall forward to the Board copies of the written notification and the reasons for the appeal referred to in sub-paragraph (*b*) (i) of this paragraph and, without delay, provide for a meeting of the Appeals Committee to hear and determine the appeal and shall make all arrangements necessary for the Appeals Committee's work. He shall furnish the members of the Appeals Committee with copies of the Board's decision, the communications referred to in sub-paragraph (*b*) (i) of this paragraph, the Board's reply if available and all other relevant documents;

(v) The Appeals Committee shall adopt its own rules of procedure;

(vi) The appellant State and the Board shall be entitled to be heard by the Appeals Committee before a decision is taken;

(vii) The Appeals Committee may affirm, vary or reverse the Board's decision relative to the imposition of the embargo. The decision of the Appeals Committee shall be final and binding and shall forthwith be communicated to the Secretary-General;

(viii) The Secretary-General shall communicate the decision of the Appeals Committee to the appellant State and to the Board;

(ix) If the appellant State withdraws the appeal, the Secretary-General shall notify the Appeals Committee and the Board of such withdrawal.

(*c*) Execution of the embargo :

(i) The embargo imposed in accordance with sub-paragraph (*a*) of this paragraph shall come into force sixty days after the Board's decision unless notice of appeal is given in accordance with sub-paragraph (*b*) (i) of this paragraph. In this case the embargo shall come into force thirty days after the withdrawal of the appeal or after a decision of the Appeals Committee upholding the embargo in whole or in part;

(ii) As soon as it is established in accordance with sub-paragraph (*c*) (i) of this paragraph that the embargo is to take effect, the Board shall notify all the Parties of the terms of the embargo and the Parties shall comply therewith.

5. The Board may, subject to the provisions of this article, publish in the cases mentioned in the preceding paragraphs of this article the information at its disposal and such comments as it may find appropriate. The Parties undertake to permit the unrestricted distribution of such publications in the territory under their control.

6. If the Board publishes a decision taken under this article or any information relating thereto, it shall also publish the views of the government concerned if the latter so requests. If the decision of the Board is not unanimous, the views of the minority shall be stated.

7. A State in respect of which a measure is considered under the provisions of this article, shall be given an opportunity through its representative of an oral hearing by the Board before the decision is taken. This does not apply to measures under paragraphs 1 (*a*), (*b*) or (*e*) or if it not intended to render the action public to measures under paragraph 1 (*c*).

8. Decisions of the Board under this article shall be taken by a majority of the whole number of the Board.

Article 23.— *Reports to the Council and Parties*

1. The Board shall prepare an annual report on its work and such additional reports as it may consider necessary containing also, in respect of each country or territory for the preceding year, an analysis of the estimates and statistical information at its disposal, and an account, unless considered unnecessary, of the explanations, if any, given by or required of governments, together with any observations which the Board may desire to make. These reports shall be submitted to the Council through the Commission, which may make such comments as it shall see fit.

2. The reports shall be communicated to the Parties and subsequently published. The Parties undertake to permit their unrestricted distribution within the territory under their control.

Article 24.— *Administrative Services*

1. The Council shall, in agreement [23] with the Board, make the necessary arrangements for the organization and working of the Board in order to provide, through the Secretary-General, for the administrative services of the Board and for the control of its staff by him in administrative matters.

2. The Secretary-General shall, subject to the approval of the Council, appoint the secretary and staff of the Board on the nomination of the Board.

---

[23] The Drafting Committee stated that it would prefer the word " consultation " to the word " agreement "; the representatives of Canada, India and the United Kingdom expressed the same preference; see also footnote 15 relating to article 13, paragraph 3, of this text.

Chapter V. *NATIONAL CONTROL ORGANS*

Article 25.— *Special Administration*

Each Party shall maintain a special administration which shall be responsible for ensuring that the obligations assumed by such Party under this Convention are effectively carried out in its territory.

Chapter VI. *INFORMATION TO BE FURNISHED BY PARTIES*

Article 26. — *Information to be Furnished to the Secretary-General*

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular :

(*a*) An annual report on the working of the Convention within each of their territories;

(*b*) The text of all laws and regulations promulgated in order to give effect to this Convention;

(*c*) Such particulars as the Commission shall determine concerning cases of illicit traffic; and

(*d*) The names and addresses of the governmental authorities empowered to issue export and import authorizations or certificates.

2. Parties shall furnish the information referred to in the preceding paragraph in such manner and by such dates and use such forms as the Commission may request.

Article 27. — *Statistical Returns to be Furnished to the Board*

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by it, as approved by the Commission, statistical returns on forms supplied by the Board in respect of the following matters :

(*a*) Areas (in hectares) cultivated for the production of drugs;

(*b*) Production or manufacture of drugs in Schedules I and II;

(*c*) Utilization of drugs in Schedules I and II for the manufacture of other drugs in Schedules I and II, exempted preparations (Schedule III), and substances not covered by this Convention;

(*d*) Consumption of drugs in Schedules I and II;

(*e*) Imports and exports of drugs in Schedules I and II;

(*f*) Seizures of drugs in Schedules I and II and disposal thereof;

(*g*) Stocks of drugs in Schedules I and II as at 31 December of the year to which the returns relate.

2. (*a*) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (*e*), shall be prepared annually and shall be furnished to the Board not later than :

(i) 31 March following the year to which they relate in the case of items (*a*), (*b*), (*c*), (*d*) and (*f*); [24] and

(ii) 31 May following the year to which they relate in the case of sub-paragraph (*g*), except for opium, in which case the returns shall be furnished not later than 31 March.

(*b*) The statistical returns in respect of the matters referred to in sub-paragraph (*e*) shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting stocks intended for government purposes, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for government purposes, as well as quantities of drugs withdrawn from government stocks to meet the requirements of the civilian population.

Article 28. — *Estimates of Production and Drug Requirements* [25]

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by it, as approved by the Commission, estimates on forms supplied by the Board in respect of the following matters :

(*a*) The areas (in hectares) to be cultivated for the production of drugs; the approximate quantities of drugs to be produced therefrom, based on the average yield in the preceding five years. Such information shall be furnished separately in respect of each region in which such cultivation is permitted.

(*b*) Quantities of drugs in Schedules I and II to be consumed for medical and scientific purposes;

(*c*) Quantities of drugs in Schedules I and II to be utilized for the manufacture of other drugs in Schedules I and II, exempted preparations (Schedule III), and substances not covered by this Convention;

(*d*) Stocks of drugs in Schedules I and II to be held as at 31 December of the year to which the estimates relate;

(*e*) Quantities of drugs in Schedules I and II required for addition to government stocks.[26]

2. Subject to the deductions referred to in paragraph 3 of article 29, the total of the estimates for each terri-

---

[24] The representative of the United Kingdom considered that a period of five months was necessary for the submission of statistics of manufacture and consumption of drugs.

[25] The PCOB and the Drug Supervisory Body (hereinafter referred to as " DSB "), are not convinced that estimates of the areas to be cultivated for the production of coca leaves, or estimates on cannabis or its resin, will have any real value. Their reasons are stated in the report of the Commission on its eleventh session under " Questions regarding the provisions on estimates and statistics raised by the Permanent Central Opium Board and Drug Supervisory Body ", in paragraphs 222 and 224 (Official Records of the Economic and Social Council, Twenty-Second Session, Supplement No. 8; document E/2891, subsequently referred to as " E/2891 ").

[26] The PCOB is of the opinion that the words " addition to government stocks " should be replaced by the words " government purposes ", which would more accurately provide the information which is desired.

tory and each drug shall consist of the sum of the amounts specified under sub-paragraphs (*b*), (*c*) and (*e*) of paragraph 1, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (*d*) of paragraph 1.

3. The Parties may during the year furnish supplementary estimates with an explanation of the circumstances necessitating them.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 29, estimates as established in accordance with article 20 shall not be exceeded.

Chapter VII. *LIMITATION OF DRUG SUPPLIES*

Article 29. — *Limitation of Manufacture and Importation*

1. The total of the quantities of each drug manufactured and imported by any country or territory in any one year shall not exceed the sum of the following :

(*a*) The quantity consumed, within the limit of the relevant estimate, for medical and scientific purposes;

(*b*) The quantity used, within the limit of the relevant estimate, for the manufacture of other drugs in Schedules I and II, exempted preparations (Schedule III) and substances not covered by this Convention;

(*c*) The quantity exported;

(*d*) The quantity added to the stock for the purpose of bringing that stock up to the level specified in the relevant estimate; and

(*e*) The quantity acquired within the limit of the relevant estimate for government purposes.

2. From the sum of the quantities specified in paragraph 1 there shall be deducted any quantity that has been seized and released for licit use, as well as any quantity taken from government stocks for the requirements of the civilian population.

3. If the Board finds that the quantity manufactured and imported in any one year exceeds the sum of the quantities specified in paragraph 1, less any deductions required under paragraph 2 of this article, any excess so established and remaining at the end of the year shall, in the following year, be deducted from the amounts to be manufactured or imported and from the total of the estimates as defined in paragraph 2 of article 28.

4. (*a*) If it appears from the statistical returns on imports and exports (article 27) that the quantity exported to any country or territory exceeds the total of the estimates for that country or territory, as defined in paragraph 2 of article 28, with the addition of the amounts shown to have been exported, and after deduction of any excess as established in paragraph 3 of this article, the Board may notify this fact to States which, in the opinion of the Board, should be so informed.

(*b*) On receipt of this notification, parties shall not during the year in question authorize any new exports of the drug concerned to that country or territory, except :

(i) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required, or

(ii) In exceptional cases where the export, in the opinion of the government of the exporting country, is essential for the treatment of the sick.

Chapter VIII. *CONTROL OF THE DRUG ECONOMY*

General

Article 30.— *Medical and Scientific Purposes*

Subject to the provisions of this Convention, the Parties shall limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

Section A. Control of Production [27]

Part I. *The opium poppy, and special provisions relating to opium and poppy straw*

Article 31.— *National Opium Agencies* [28]

1. A Party which permits the cultivation of the opium poppy for the production of opium or poppy straw shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

2. Each such Party shall apply the following provisions to the cultivation of the opium poppy and to opium or poppy straw, or both, as the case may be:

(*a*) The Agency shall designate the areas in which, and the plots of land on which, cultivation of the opium poppy for the purpose of producing opium or poppy straw shall be permitted;

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation;

(*c*) Each licence shall specify the extent of the land on which the cultivation is permitted;

(*d*) All cultivators of the opium poppy shall be required to deliver their total crops of opium and poppy straw to the Agency. The Agency shall purchase and take physical possession of such crops as soon as pos-

[27] The countries mentioned below wished to have recorded objections or reservations with respect to all the provisions of the Convention in so far as they related to poppy straw and to the production of cannabis: Austria, Canada, Czechoslovakia, Federal Republic of Germany, France, Hungary, Italy, Switzerland, United Kingdom and Yugoslavia.

[28] The representative of Hungary stated that control performed by national opium agencies would be not practicable because they would not be in a position to designate the areas in which cultivation of the opium poppy for poppy straw should be permitted, nor to grant licences authorizing the cultivation of poppy straw.

sible, but not later than four months after the end of the harvest;[29]

(*e*) The Agency shall, in respect of opium and poppy straw, have the exclusive right of importing, exporting, wholesale trading, and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium, or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

3. The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the Constitution of the Party concerned permits it.

Article 32.— *Restrictions on the International Trade in Opium and Poppy Straw*[30]

1. (*a*) Without prejudice to the provisions of article 34, paragraphs 3 and 5, the Parties shall not permit the import and export of opium or poppy straw, other than opium or poppy straw produced in any one of the following States, which at the time of the import and export in question shall be a party to this Convention: Afghanistan, Bulgaria, Greece, India, Iran, Turkey, the Union of Soviet Socialist Republics and Yugoslavia.[31]

(*b*) The Parties shall not permit the import of opium or poppy straw from any country or territory to which this Convention does not apply.

2. Notwithstanding the provisions of paragraph 1 (*a*), a Party may permit the import into any of its territories of opium or poppy straw, or both, produced in another of its territories, as well as the corresponding export, provided that the amount so imported:

(*a*) Annually does not exceed the domestic requirements of the importing territory for one year; and

(*b*) Is used exclusively for domestic needs.

3. If a Party referred to in paragraph 1 (*a*) decides to cease producing opium or poppy straw, or both, for export, it may make a declaration to this effect to the Board, which shall inform all States. As of 31 December of the year following that in which such a declaration is made, the State concerned shall lose the special position which the Parties mentioned in paragraph 1 (*a*) have under the provisions of this Convention in respect of opium or poppy straw, or both, as the case may be, provided that opium or poppy straw originating in the territory of such a Party and exported before that date shall not be excluded from international trade under the terms of paragraph 1 (*a*).

Article 33.— *Limitation of Stocks*[32]

1. The Parties shall regulate the production, import and export of opium and poppy straw in such a way as to ensure that the stocks held by any Party shall not, on 31 December of any year, exceed in respect of opium or poppy straw, the following amounts:

(*a*) In the case of States listed in article 32, paragraph 1 (*a*):

(i) The amount exported for medical and scientific purposes in any two years;

(ii) The amount used for the manufacture of opium alkaloids in any two years; and

(iii) A quantity equal to one-half the amount so exported and so used in any other year.

The Party concerned may choose the base years for these computations and select different periods for opium and poppy straw and for the computation of the amounts exported and the amounts used, provided, however, that the years selected shall not include any year before 1946 and no years shall be selected for which the Board has not yet published relevant statistics at the time of such selection;

(*b*) In the case of a Party other than a Party referred to in paragraph 1 (*a*) which permits the manufacture of opium alkaloids, its normal requirements for a period of two years. Such requirements shall be determined by the Board;

(*c*) In the case of any Party, the total amount used during the preceding five years.

2. The maximum stocks of opium or poppy straw permissible under paragraphs 1 (*a*) and (*c*) shall be calculated on the basis of the statistics published by the Board.

3. (*a*) The Parties shall notify the Board of all facts having a bearing on their classification under paragraphs 1 (*b*) and (*c*) of this article.

(*b*) Parties to which paragraphs 1 (*a*) or (*b*) apply shall annually notify the Board of:

(i) The periods they have chosen in accordance with paragraph 1 (*a*) or, as the case may be,

(ii) The amount of opium or poppy straw, or both, they wish to be considered as their normal requirements for determination by the Board in accordance with paragraph 1 (*b*).

4. (*a*) The notifications referred to in paragraphs 3 (*a*) and (*b*) shall reach the Board not later than fifteen months before the date (paragraph 1) for which the maximum stocks in question are to be computed.

(*b*) In the event of a Party required to furnish the information referred to in paragraph 3 (*b*) failing to do so in time, the Board shall, without prejudice to the

[29] The representative of Hungary stated that not all the poppy straw harvest could be gathered because part of it was burnt by the growers or used for bedding down animals, and part of it (the rest of the stem beyond 10 cm from the head) was not suitable for manufacturing purposes.

[30] The representatives of Hungary, the United Kingdom and the Union of Soviet Socialist Republics objected to paragraphs 1 (*a*) and (*b*). The observer of Switzerland objected to paragraph 1 (*a*).

[31] As regards the inclusion of Afghanistan, see: E/2891, para. 250. At the thirteenth session the observer for Afghanistan stated that his Government might reconsider its policy of prohibition in respect of opium (E/3133, paragraph 298 and E/CN.7/SR.384); see also footnote 50 relating to article 49, paragraph 1.

[32] The representatives of Hungary and the Union of Soviet Socialist Republics considered that it was superfluous to include in the Convention a provision impairing the right of a State to build up such stocks; the provisions of the Convention requiring the State authorities to exercise strict control over such stocks were sufficient.

provisions of paragraph 4 (*c*), adopt the data contained in that Party's last relevant notification. If, however, the Board has never received a relevant notification from the Party concerned, it shall, after giving due consideration to the information at its disposal, to the aims of this Convention, and to the interest of the Party:

(i) Choose the periods referred to in paragraph 1 (*a*) or, as the case may be,

(ii) Determine the normal requirements referred to in paragraph 1 (*b*).

(*c*) If the Board receives a notification required under paragraph 3 (*b*) by a date later than that determined under paragraph 4 (*a*), it may proceed as if such notification had been received in time.

5. Not later than twelve and a half months before the date (paragraph 1) for which the maximum stocks in question are to be computed, the Board shall notify:

(*a*) Each Party referred to in paragraph 1 (*a*) of the years chosen in accordance with that provision or with paragraph 4 (*b*) or (*c*);

(*b*) Each Party referred to in paragraph 1 (*b*) of the amount of opium or poppy straw, or both, which the Board considers as that Party's normal requirements for a period of two years.

6. (*a*) If the Board considers the circumstances exceptional, for reasons of public health, it may, under conditions to be prescribed and for a definite period of time, exempt a Party from compliance with the requirements stipulated in paragraph 1 as to the maximum level of stocks of opium or poppy straw or both;

(*b*) If at the time of the coming into force of this Convention a Party referred to in paragraph 1 (*a*) has stocks of opium or poppy straw, or both, in excess of the maximum level permitted under that provision, the Board shall, in the exercise of its discretion, have regard to this fact with a view to avoiding economic difficulties which would result for such a Party from too rapid a reduction of the stocks to the required maximum level.

7. The provisions of paragraph 1 shall, in respect of each Party, be effective as from 31 December of the year following that year in which the Convention has come into force in relation to that Party.

Article 34.[33] — *Disposal of Confiscated Opium and Poppy Straw*

1. Except as provided otherwise in this article, all opium or poppy straw confiscated on account of illicit traffic shall be destroyed.

2. A Party may, under government control, use such opium or poppy straw for the manufacture of drugs listed in Schedule II or of substances not subject to this Convention, or appropriate the opium or poppy straw, or the drugs manufactured therefrom, for medical or scientific use by or under the control of the government.

3. A Party referred to in article 32. paragraph 1 (*a*), may use or export opium or poppy straw confiscated in its territory, or the alkaloids manufactured therefrom.

4. Confiscated opium or poppy straw which can be identified as having been stolen from a government or licensed warehouse may be returned to its lawful owner.

5. (*a*) If a Party neither permits the production of opium or poppy straw nor the manufacture of opium alkaloids, it may obtain authorization from the Board to export a specified quantity of confiscated opium or poppy straw, or both, to a Party which manufactures opium alkaloids, in exchange for opium alkaloids, salts or preparations of opium alkaloids, or for the purpose of extracting such alkaloids, provided that:

(i) The quantity of opium or poppy straw, or both, so exported in any one year may not exceed the equivalent, in opium and poppy straw, of one year's requirements of the exporting Party in the form of opium and opium alkaloids;

(ii) The drugs so exchanged or extracted may be used only for domestic needs.

(*b*) The exporting Party referred to in sub-paragraph (*a*) shall destroy any confiscated opium or poppy straw not to be utilized in accordance with that provision, or with paragraph 2, or not to be returned in accordance with paragraph 4.

Part II. *The coca bush, and special provisions relating to coca leaves and crude cocaine*

Article 35.— *Restrictions on the Cultivation or Growing of the coca Bush*

1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the coca bush the most suitable measure for preventing the diversion of coca leaves into the illicit traffic, the Party concerned shall prohibit such cultivation.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy these plants if they are illegally cultivated.

Article 36.— *National Coca Leaf Agencies*

1. A Party which permits the cultivation of the coca bush shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

2. Each such Party shall apply the following provisions to the coca bush and coca leaves:

(*a*) The Agency shall designate the area in which, and the plots of land on which, cultivation of the coca bush shall be permitted;

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation;

(*c*) Each licence shall specify the extent of the land on which this Cultivation is permitted;

[33] The representative of Hungary stated that the application of this article to poppy straw was unjustifiable and impracticable.

(*d*) All cultivators of the coca bush shall be required to deliver their total crops to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than one month after the end of the harvests;

(*e*) The Agency shall, in respect of coca leaves, have the exclusive right of importing, exporting, wholesale trading, and maintaining stocks other those held by manufacturers of cocaine or preparations of cocaine or coca leaves. Parties need not extend this exclusive right to preparations of coca leaves.

3. The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the Constitution of the Party concerned permits it.

Article 37. — *Restrictions on the International Trade in Coca Leaves and Crude Cocaine* [34]

1. The Parties shall not permit the import and export of coca leaves or crude cocaine other than:

(*a*) Coca leaves produced and crude cocaine manufactured in any one of the following States which, at the time of the import and export in question, shall be a Party to this Convention: Bolivia, Indonesia, Peru;

(*b*) Crude cocaine obtained from such leaves.

Article 38. — *Special Provisions Relating to Coca Leaves in General*

1. The Parties may permit the use of coca leaves for the preparation of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately statistical information (article 27) on, and estimates (article 28) of requirements of coca leaves for preparation of the flavouring agent.

Part III. *The cannabis plant and special provisions relating to cannabis*

Article 39. — *Prohibition of Cannabis*

1. The Parties undertake to prohibit the production of cannabis and cannabis resin provided, however, that the government of each Party may produce or manufacture, as the case may be, acquire, and import from another Party, and export to such a government, and may permit a licensed scientific institute to acquire from it, produce, manufacture, possess and export under close State supervision to the government of another Party small amounts of cannabis, cannabis resin and extracts and tinctures of cannabis for the purpose of scientific research.

2. Subject to the provisions of paragraph 1, Parties shall prohibit:

(*a*) The trade in, distribution, possession and use of cannabis and cannabis resin, extracts and tinctures of cannabis, or of any other substances containing the pharmacologically active principle of the cannabis resin; and

(*b*) The manufacture of the extracts and tinctures referred to in sub-paragraph (*a*).

3. Notwithstanding the provisions of paragraphs 1 and 2 of this article, a Party may permit the production of cannabis, and the manufacture of extracts and tinctures of cannabis, the trade in, and possession of these substances for use in indigenous medicine — i.e., in the systems of Ayurvedic, Unani and Tibbi medicine. Where a Party so permits, the provisions of article 31 governing the production of opium shall, *mutatis mutandis*, apply to the production of cannabis. The trade in, possession and use of cannabis and extracts and tinctures thereof shall be subject to the provisions of this Convention as they apply to drugs in Schedule I other than those in Schedule IV, provided, however, that the requirement of medical prescriptions (article 41, paragraph 2 (*b*)) need not apply.

4. Whenever the prevailing conditions in a country or territory render additional measures necessary in respect of the cultivation of the cannabis plant, in order to prevent illicit traffic in cannabis or cannabis resin, Parties shall adopt such measures as are necessary to prevent illicit traffic in cannabis or cannabis resin arising out of the growth or cultivation of the cannabis plant.

Section B. Control of Industry and Trade

Article 40. — *Manufacture*

1. The Parties shall either establish a state enterprise or system of state enterprises, which shall have the exclusive right of manufacturing drugs, or to the extent that the manufacture thereof is not undertaken by such enterprise or system of enterprises, shall require that the manufacture of drugs be under licence.

2. The Parties shall:

(*a*) Control all persons engaged in the manufacture of drugs;

(*b*) Control under licence the establishments and premises in which such manufacture may take place; and

(*c*) Require the licensed manufacturers of drugs to obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture in each of their establishments in the ensuing period, provided, however, that this requirement shall not apply to preparations.

3. The Parties shall prevent the accumulation, in the possession of the state enterprise or system of state enterprises referred to above, and of drug manufacturers, of quantities of raw materials, in so far as they are within the scope of this Convention, and of drugs in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

[34] The representatives of Hungary, the Union of Soviet Socialist Republics and the United Kingdom objected in principle to the inclusion of a closed list of producers for export.

4. The Parties shall consider sympathetically (article 4 (*e*)) for acceptance and implementation, recommendations of the World Health Organization concerning specifications and standards with respect to drugs.

Article 41. — *Trade and Distribution*

1. (*a*) The Parties shall either establish a state enterprise or system of state enterprises which shall have the exclusive right of trade in and distribution of drugs, with the exception of such drugs as may be dispensed or administered by duly authorized persons, or to the extent that such trade or distribution is not undertaken by such enterprise or system of enterprises, require that the trade in and distribution of drugs be under licence.

(*b*) They shall:

(i) Control all persons engaged in the trade in or distribution of drugs;

(ii) Control under licence the establishments and premises in which such trade and distribution may take place, provided, however, that the requirement of licensing need not apply to preparations.

(*c*) The provisions of sub-paragraphs (*a*) and (*b*) relating to licensing need not apply to qualified persons duly authorized to perform and while performing therapeutic or scientific functions.

2. The Parties shall also:

(*a*) Prevent accumulation of drugs in the possession of the state enterprise or system of state enterprises, traders, institutions, or duly authorized persons referred to above, in excess of those required for the normal conduct of their business or profession;

(*b*) Require medical prescriptions for the supply or dispensation of drugs to individuals. Prescriptions for drugs listed in Schedule I shall be written on official forms to be issued in the form of counterfoil books by the competent governmental authorities or by authorized professional associations; [35] the provisions of this sub-paragraph do not apply to such drugs as individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions.

3. The Parties shall require that written or printed offers of drugs, advertisements of every kind, including posted bills relating to drugs, descriptive literature relating to drugs and used for commercial purposes, interior wrappings of packages containing drugs, and labels under which drugs are offered for sale indicate the international non-proprietary name communicated by the World Health Organization or, failing such communication, by the Commission.[36]

4. Notwithstanding the provisions of paragraph 3, drug manufacturers may also use their own labels, trade marks and trade names.

5. The Parties shall require that any package containing a drug shall show a clearly visible double red band, but not on the exterior wrapping in which such package is consigned.[37]

6. The Parties shall require that the labels under which any drugs are offered for sale show the exact drug content of the various component substances by indication of weight or percentage.

7. The provisions of paragraphs 1 to 5 shall not apply to the retail trade in or retail distribution of drugs listed in Schedule II.

Article 42. — *International Trade*

1. The Parties shall not knowingly permit the export of drugs to any country or territory except:

(*a*) In accordance with the laws and regulations of that country or territory; and

(*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 28.

2. They shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. They shall:

(*a*) Establish either a state enterprise or system of state enterprises which shall have the exclusive right of importing and exporting drugs; or to the extent that such imports or exports are not undertaken by such enterprise or system of state enterprises, require all persons engaged in the import and export of drugs to obtain a licence to engage in such operations;

(*b*) Control all persons engaged in such import or export.

4. (*a*) Each Party shall require a separate import or export authorization to be obtained for each importation or exportation for one or more drugs to which this Convention applies.

(*b*) Such authorization shall state the quantity to be imported or exported, the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected.

(*c*) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

(*d*) The import authorization may allow an importation in more than one consignment.

[35] The representatives or observers of the following countries stated that their Governments would not accept a mandatory requirement to use official counterfoil books for prescription forms: Austria, Canada, Federal Republic of Germany, Switzerland, the United Kingdom, the United States and Yugoslavia.

[36] The representative of the United Kingdom stated that his delegation could not accept a mandatory provision for the use of non-proprietary names, some of which might not be acceptable in his country. This would apply in particular to international non-proprietary names which had not been approved.

The representative of the United States stated that his Government could not accept the phrase " or ... by the Commission ", since it did not consider the Commission was competent to carry out the requisite procedure for the establishment of an international non-proprietary name.

[37] The representative of the United Kingdom stated that his Government did not consider that a case had been made out for this requirement. The representatives or observers of the following countries associated themselves with this view: Canada, the Federal Republic of Germany, Switzerland and the United States.

5. Before issuing an export authorization, the Parties shall require an import certificate, issued by the government of the importing country or territory and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorization. The Parties agree to adopt substantially the form of import certificate proposed by the Board and approved by the Commission.

6. A copy of the export authorization shall accompany each consignment and the government issuing the export authorization shall send a copy to the government of the importing country or territory.[38]

7. (*a*) The government of the importing country or territory, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the government of the exporting country or territory.

(*b*) The endorsement shall specify the amount actually imported.

(*c*) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a party other than the party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that is has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.

10. Consignments of drugs crossing any border not accompanied by an export authorization shall be seized by the customs authorities.

11. The Parties shall not permit the transit of any consignment of drugs, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization which accompanies the consignment is produced to the competent authorities of the transit country or territory. The competent authorities of each country or territory of transit shall supervise and record the entry and exit of such consignment.

12. No consignment of drugs while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the drugs in question. The packing may not be altered without the permission of the competent authorities.

13. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the government of that country or territory authorizes the diversion. The government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7 (*a*) and (*b*) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

14. The provisions of paragraphs 11 to 13 relating to the transit of drugs do not apply where the consignment in question is transported by air and the aircraft passes over the country or territory of transit without landing. If the aircraft makes an emergency landing in such country or territory, the provisions thereof shall be applied so far as circumstances require.

[Article 42 *bis*. — *Special Provisions concerning the Carriage of Drugs in First-aid Kits of Railway Trains, Ships or Aircraft engaged in International Flight* [39]

1. The carriage by railway trains, ships or aircraft engaged in international Flight of such limited amounts of drugs as are needed during their journey or voyage for first-aid purposes [in emergency cases] shall not be considered to be import, export or transit within the meaning of this Convention.

2. Proper safeguards shall be taken [by the country of registry] to prevent the [improper use] [abuse] of these drugs or their diversion for illicit purposes. The Commission, in [agreement] [consultation] with the International Civil Aviation Organization, the International Maritime Consultative Organization and the World Health Organization, shall recommend such safeguards.

3. As regards drugs carried by ships or aircraft in accordance with the provisions of paragraph 1, the laws, regulations, permits and licences of the country of registry shall apply without prejudice, however, to the right of the competent local authorities to carry out checks, inspections and other control measures on board the ship or aircraft. The administration of such drugs shall not be subject to the requirement of a medical prescription (article 41, paragraph 2 (*b*)).]

[38] The representative of the United States stated that his Government required that the consignment be accompanied by a duly authenticated copy of the import certificate issued by the country of destination, and considered that this requirement should be included in this Convention.

[39] The text of this article has been placed in square brackets in accordance with the Commission's decision, and constitutes a provisional draft which may have to be revised after the opinions of the World Health Organization and other organizations concerned become available.

The representative of the United States opposed the inclusion of this article, since he considered it premature to deal with this matter (E/3133, paragraphs 168-172).

Section C. National Supervision

Article 43. — *Measures of Supervision and Inspection*

1. The Parties shall require:

(*a*) That all persons who obtain licences as provided in accordance with the provisions of this Convention or who have managerial or supervisory positions in a state enterprise or system of state enterprises established in accordance with this Convention, shall have adequate qualifications for the effective and faithful implementation of the provisions of such laws and regulations as are enacted pursuant thereto:

(*b*) That governmental authorities, manufacturers, traders, scientists, scientific institutions and hospitals keep such records as will show the quantities of each drug manufactured and of each individual acquisition and disposal of drugs. Such records shall respectively be preserved for a period of not less than two years. Where counterfoil books (article 41, 2 (*b*)) of official prescriptions are used, such books including the counterfoils shall also be kept for a period of not less than two years.

Chapter IX. *MEASURES AGAINST ILLICIT TRAFFICKERS*

Article 44. — *International Co-operation* [40]

1. The Parties shall co-operate closely with each other and with the competent international organizations with a view to maintaining a co-ordinated campaign against the illicit traffic.

2. With due regard to their constitutional and administrative systems, the Parties may usefully:

(*a*) Establish specialized units acting either within, or in liaison with, the special administration provided for under article 25, for the matters covered by article 45; [41]

(*b*) Make arrangements at the national level for co-ordination of preventive action against the illicit traffic.[42]

Article 45. — *Penal Provisions*

1. Subject to their constitutional limitations, the Parties undertake to adopt such measures as will ensure that:

(*a*) Cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention;

(*b*) Intentional participation in, conspiracy to commit, and attempts to commit any of these acts; and

(*c*) To the extent permitted by domestic law, preparatory acts; shall be punishable offences, and that serious offences shall be liable to severe punishment particularly by imprisonment or other penalties of deprivation of liberty.

2. The Parties undertake within the framework of their existing legal systems and criminal jurisdiction and subject to their constitutional limitations to adopt such measures as will ensure that:

(*a*) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(*b*) Foreign convictions for the offences shall be taken into account for the purpose of establishing recidivism;

(*c*) Serious offences committed abroad either by nationals or by foreigners shall be prosecuted by the State in which the offender may be found if otherwise the offender might escape prosecution.[43]

3. The offences specified in paragraph 1 (*a*) and (*b*) and, to the extent permitted by domestic law, and subject to constitutional limitations, the offences specified in paragraph 1 (*c*), shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties and shall as between those Parties which do not make extradition conditional on the existence of a treaty or on reciprocity be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.[44]

4. Nothing in this article shall be prejudicial to the attitude of a Party towards the general question of the limits of national criminal jurisdiction under international law.

---

[40] The observer for Italy objected to this provision on the grounds that his country was not a Party to the 1936 Convention.

[41] The representatives of the United Kingdom and Yugoslavia did not consider that it was necessary or desirable to have a provision (paragraph 2 (a)) in these terms, which go further than the existing Conventions.

[42] In the opinion of the Drafting Committee, this provision paragraphs 2 (a) and (b)) ought to be combined with article 25.

[43] The representative of Hungary urged that the State where the offence was committed should have the first right to prosecute the offender. Consequently, in view of the generally accepted territorial principle in international criminal law, a foreigner should be prosecuted for an offence by the State in which he was found only if the State in which the offence was committed did not apply for his extradition. That could happen if the offender had departed to a distant country whence the cost of extradition was disproportionate to the gravity of the offence. The representative of Hungary also thought that, if the State where the offence was committed did not apply for the offender's extradition, it would be obliged to send the documents concerning the offence to the State where the offender was found, for the purpose of criminal procedings against him.

[44] The representative of Hungary stated that, in the interest of more effective prosecution of offenders, extradition should be obligatory. Consequently, the drafting of paragraph 3 of this article, to the effect that Parties should endeavour to include the offences specified in the draft in any extradition treaty which has been or might hereafter be concluded between them, was not adequate. On the pattern of other previous international conventions, the Hungarian delegation proposed that the Parties should designate the offences specified in the draft as extradition crimes in any extradition treaties which have been or might be concluded between them.

5. Nothing contained in this article shall affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

Article 46. — *Seizure and Confiscation* [45]

1. Any drugs, substances and equipment intended for the commission of any of the offences referred to in article 45, paragraph 1, shall be liable to seizure and confiscation.

2. Without prejudice to the special provisions of article 34 relating to opium and poppy-straw the Parties shall either:

(*a*) Destroy drugs listed in Schedule I, which are confiscated from the illicit traffic and are no longer required for judicial proceedings or other action on the part of the authorities; or

(*b*) Use such drugs in the manufacture of drugs listed in Schedule II, or substances not subject to the Convention; or

(*c*) Subject to article 2, appropriate such drugs for medical or scientific use, either by the government or under its control.

Chapter X. *DRUG ADDICTION*

Article 47. — *Treatment of Drug Addicts*

1. The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.[46]

2. If they have a serious problem of drug addiction and their economic resources permit, they shall use their best endeavours to establish facilities for the compulsory treatment of drug addicts in closed institutions.[47]

Chapter XI. *GENERAL PROVISIONS*

Article 48. — *Languages of the Convention and Procedure for Acceptance*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature or acceptance on behalf of any Member of the United Nations, of any State invited to participate in the Conference held at..... on....., and also of any other State which the Council may invite to become a Party.[48]

2. Any such States may: (*a*) sign without reservation as to acceptance; (*b*) sign subject to acceptance and subsequently accept; or (*c*) accept. Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General.

Article 49. — *Entry into Force* [49]

1. This Convention shall come into force upon the expiration of thirty days following the signature without reservation as to acceptance, or the deposit of an instrument of acceptance (article 48), by at least twenty-five States including: (*a*) Three of the following: Belgium, France, the Federal Republic of Germany, Italy, Japan, the Netherlands, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America; and (*b*) Three of the following: Bulgaria, Greece, India, Iran, Turkey, the Union of Soviet Socialist Republics, Yugoslavia.[50]

2. In respect of any other State signing without reservation as to acceptance, or depositing an instrument of acceptance, after the date on which the requirements as to signature or deposit under paragraph 1 have been fulfilled, this Convention shall come into force upon the expiration of thirty days after the signature or deposit by that State.

---

[45] The representatives of Mexico and Peru considered that the term " confiscation " should either be deleted or, where necessary, replaced by the word " seizure ".

[46] The representative of Canada stated that the obligation imposed by article 47 to establish facilities for the treatment of of drug addicts warranted some comment. In Canada, the treatment of a condition such as drug addiction was regarded as a matter coming within the juridictional responsibility of the provincial authorities. The inclusion, therefore, in the Convention of article 47 would involve either a reservation or the insertion in the Convention of a satisfactory Federal State clause.

[47] The representative of Austria considered that it would be preferable if compulsory treatment were only recommended. The observers for the Federal Republic of Germany, Italy and Switzerland associated themselves with this view.

The representative of the United Kingdom stated that his Government considered that the compulsory treatment of drug addicts in public (closed) institutions was a subject which might be made the basis of a recommendation, but ought not to be converted into a positive requirement (even in the qualified form in the present draft) of an international treaty.

The representative of Canada stated that, since the treatment of drug addicts involved medical responsibilities, it might unduly impede or hamper the development of improved treatment facilities or procedures in the future if the Convention limited treatment to that provided in closed institutions only.

The representative of Iran stated that at present his Government was using mobile units for the treatment of addicts. That was not only because economic resources were not yet adequate for the establishment of closed institutions, but also because mobile units were necessary to make treatment available in remote areas.

[48] The representatives of Hungary and the Union of Soviet Socialist Republics said that paragraph 1 of article 48 implied the possibility that some States might be deprived of the right to become a Party to the Single Convention and was therefore inconsistent with the idea that every State should come under international narcotics control. They thought that the wording of this article should be amended to enable any State wishing to become a Party to the Single Convention to do so regardless of whether it was a Member of the United Nations, was invited to participate in a conference, or was invited by the Council to become a party to the Convention.

[49] The representative of the United Kingdom stated that, in the view of his delegation, since article 37 recognized only three countries as exporters of coca leaves, and Parties would be able to import coca leaves only from countries Parties to the Convention, there should be a requirement that, as in the case of opium, a certain number of coca leaf producers should ratify the Convention before it came into force.

[50] The observer for Afghanistan stated that his Government might have to reconsider its opium policy and, at the plenipotentiary conference for the adoption of the Single Convention, request the inclusion of Afghanistan among countries authorized to produce opium for export (E/CN.7/SR.384; see also footnote 31 relating to article 32, paragraph 1 (a)).

Article 50. — *Territorial Application*

This Convention shall apply to all the Non-Self-Governing, Trust, colonial [51] and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the Constitution of the Party or of the non-metropolitan territory, or required by custom. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible, and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature or acceptance, declare the non-metropolitan territory or territories to which this Convention applies.

Article 51. — *Termination of Previous International Treaties*

The provisions of this Convention shall, upon its coming into force, terminate and replace, in relations between Parties, the provisions of the following treaties:

(*a*) International Opium Convention, signed at The Hague on 23 January 1912; [52]

(*b*) Agreement concerning the Manufacture of, Internal Trade in and Use of Prepared Opium, signed at Geneva on 11 February 1925;

(*c*) International Opium Convention, signed at Geneva on 19 February 1925;

(*d*) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931;

(*e*) Agreement for the control of opium smoking in the Far East, signed at Bangkok on 27 November 1931;

(*f*) Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936;

(*g*) Protocol signed at Lake Success, New York, on 11 December 1946, amending the Agreements, Conventions and Protocols on narcotic drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936;

(*h*) The Conventions and Agreements referred to under (*b*)-(*f*) as amended by the Protocol of 1946 referred to under (*g*);

(*i*) Protocol signed at Paris on 19 November 1948 bringing under international control drugs outside the scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946;

(*j*) Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, signed at New York on 23 June 1953.

Article 52. — *Transitional Provisions*

1. The functions of the Board provided for in article 13 shall, as from the date of the coming into force of this Convention (article 49, paragraph 1), be provisionally carried out by the Permanent Central Board constituted under chapter VI of the Convention referred to in article 51 (*c*) as amended, and by the Supervisory Body constituted under chapter II of the Convention referred to in paragraph 51 (*d*) as amended, as such functions may respectively require.

2. The Council shall fix the date on which the new Board referred to in article 13 shall enter upon its duties. As from that date this Board shall, with respect to the States Parties to the treaties enumerated in article 51 [53] which are not Parties to this Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body referred to in paragraph 1.

Article 53. — *Denunciation*

1. After the expiry of two years from the date of the coming into force of this Convention (article 49, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 50, denounce this convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 49, paragraph 1, cease to exist.

Article 54. — *Amendments* [54]

1. A member of the Commission or a Party may propose an amendment to the Convention.

[51] The Department of Trusteeship and Information from Non-Self-Governing Territories of the United Nations Secretariat has advised against use of the term " colonial ".

[52] The representative of the United States of America recommended an addition to paragraph (*a*) reading " *except for article 1 thereof, which shall continue in force.*" The retention of the general provision of article 1 of the 1912 Hague Convention was believed to be necessary to sustain the constitutional validity of a statute of the United States of America relating to control of opium production.

[53] I.e., the treaties referred to in article 51 (*c*), (*d*), (*i*) and (*j*).

[54] The Commission considered that the problems here involved were both legal and political and that; because of the divergent views expressed by governments, this article should be reserved for the plenipotentiary conference. The Commission held, however, that there should be no general authority of the Commission to amend the Convention. (E/3133, paragraphs 485-487); see also footnote 12, relating to article 11 (*b*) (iii)

2. The Commission shall decide which of the following prodecures shall be applied.[55]

(*a*) The Secretary-General shall convene a conference of Parties to consider the proposed amendment. He shall invite to the conference such States other than Parties which have been invited to attend the conference referred to in article 48, or whose participation would, in the opinion of the Commission, be desirable; or

(*b*) The Secretary-General shall place the proposed amendment on the provisional agenda of the General Assembly. The General Assembly may recommend to the Parties for acceptance a treaty incorporating the amendment in the form in which it was proposed, or in a modified form, or another amendment; or

(*c*) The Commission may, by a two-thirds' majority of the members present and voting, adopt the amendment in the form in which it was proposed or in a modified form. In such a case:

(i) After review of the Commission's decision by the Council (article 10), the Secretary-General shall, without delay, transmit to all Parties a notification in accordance with article 10, paragraph 2;

(ii) The amendment shall be binding upon each Party which has not rejected it within a period of ninety days from the date of the receipt by such a Party of the notification referred to under (i), provided that:

(*aa*) the Secretary-General has not received within three hundred and sixty days from the date of the final adoption of the amendment (article 10), twenty-five or more such rejections;

(*bb*) the amendment shall not come into force in respect of a Party before the expiry of the said periods of three hundred and sixty or of ninety days, whichever period shall be longer; and

(iii) The rejections provided for in sub-paragraph (*c*) (ii) of this paragraph may be withdrawn at any time, in which case the amendment shall come into force in respect of the Party concerned on the date of such withdrawal, always provided that the said periods have expired, and that such withdrawal, if made after the expiry of the period of three hundred and sixty days, shall not be deducted from the twenty-five or more rejections referred to in paragraph 2 (*c*) (ii) (*aa*) of this article.

Article 55. — *Disputes*

If there should arise between the Parties a dispute of any kind relating to the interpretation or application of this Convention, and if such a dispute cannot be satisfactorily settled by diplomatic means, it shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of a party to the dispute, be referred to the International Court of Justice, if all the parties to the dispute are Parties to the Statute of the Court and, if a party to the dispute is not a Party to that Statute, to an arbitral tribunal constituted in accordance with The Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes.

Article 56. — *Reservations* [56]

1. No reservations other than those made in accordance with the following paragraphs shall be permitted.

2. A Party may at the time of signature or acceptance (article 48) reserve the right to permit temporarily in any one of its territories: [57]

(*a*) The quasi-medical use of opium;

(*b*) Opium smoking;

(*c*) Coca leaf chewing;

(*d*) The use of cannabis, cannabis resin, extracts and tinctures of cannabis for medical and non-medical purposes; and

(*e*) The production and manufacture of and trade in the drugs referred to under (*a*) to (*d*) for the purposes mentioned therein.

[55] The view of the French Government was that the Convention should not be capable of amendment by any procedure other than the procedure followed for its adoption.

The representatives of Hungary and the Union of Soviet Socialist Republics thought that it should be stipulated in article 54 that the decisions of the Commission concerning amendments to the Convention must not affect its basic provisions.

The representative of the United States said that provision should be made, by the inclusion of a provision similar to article 33 of the 1931 Convention, for screening proposed amendments in order to ascertain whether sufficient interest existed to warrant initiation of the amendment procedure. He also pointed out that, at its eleventh session, the Commission had decided that the Single Convention should not provide for amendment by decision of the Commission. The position of the United States was that the selection of the amending organ — either the General Assembly or an *ad hoc* diplomatic conference — should be left to the Commission, and that an amendment adopted either by the General Assembly or by the conference would bind only such Parties as expressly accepted it and not those which merely failed to rejected it.

[56] The Commission considered that the problems here involved were both legal and political and that this article should be reserved for the plenipotentiary conference.

The representatives of Hungary and the Union of Soviet Socialist Republics said that any State which was prepared to become a Party to the Single Convention had the right to enter reservations to the Convention. They expressed the view that the legal consequences of such a reservation would be that the Convention, except that part of it to which the reservation related, would come into force between the State making the reservation and other States Parties to the Convention, but that any State would be at liberty to inform the Secretary-General that it did not consider itself bound by the Convention in respect of the State making the reservation. In that case, the Convention would not be considered as being in force between such State and the State making the reservation.

The Mexican delegation stated that it was opposed to the inclusion in the Convention of the restrictive article of the 1953 Protocol, respecting reservations. It had to be remembered that the Convention was to be a single instrument affecting matters under various constitutional and legal provisions. That would give rise to conflicts of law, some of which could only be solved by reservations. The third alternative for paragraph 7 was more in agreement with the system of reservations adopted by the United Nations.

[57] The observer for Pakistan stated that this paragraph should begin with the words " A Party may at the time of signature or acceptance (article 48) reserve the right to permit in its territories for a period reasonable in its circumstances ". Paragraph 2 (*d*) should begin with the words " The production and use of cannabis ".

3. The maximum opium stocks which a Party having reserved the use of opium for quasi-medical purposes or for smoking may hold (article 33), shall be increased by the amount consumed for such purposes in the two preceding years.

4. The reservations under paragraph 2 shall be subject to the following restrictions:

(*a*) The activities mentioned in paragraph 2 may be authorized only to the extent that they were traditional in the territories in respect of which the reservation is made, and were there permitted on.....;

(*b*) No export of the drugs referred to in paragraph 2 for the purposes mentioned therein may be permitted to a non-party or to a territory to which this Convention does not apply under article 50;

(*c*) Only such persons may be permitted to smoke opium as were registered by the competent authorities to this effect on.....;

(*d*) The quasi-medical use of opium must be abolished within.... years from the coming into force of this Convention (article 49);

(*e*) Coca leaf chewing must cease within twenty-five years from the coming into force of this Convention (article 49);[58]

(*f*) The use of cannabis for other than scientific purposes must be discontinued within ..... years from the coming into force of this Convention (article 49);[59]

(*g*) The production and manufacture of and trade in the drugs referred to in paragraph 2 for any of the uses mentioned therein must be reduced and finally suppressed simultaneously with the reduction and suppression of such uses.

5. A Party making a reservation under paragraph 2 shall:

(*a*) Include in the annual report to be furnished to the Secertary-General, in accordance with article 26, paragraph 1 (*a*), an account of the progress made in the preceding year towards the abolition of the use, production, manufacture or trade referred to under paragraph 2;

(*b*) Furnish to the Board separate estimates (article 28) and statistical returns (article 27) in respect of the reserved activities in the manner and form prescribed by the Board, as approved by the Commission.

6. (*a*) If a Party which makes a reservation under paragraph 2 fails to furnish:

(i) The report referred to in paragraph 5 (*a*) within six months after the end of the year to which the information relates;

(ii) The estimates referred to in paragraph 5 (*b*) within three months after the date fixed for that purpose by the Board in accordance with article 20, paragraph 1;

(iii) The statistics referred to in paragraph 5 (*b*) within three months after the date on which they are due in accordance with article 27, paragraph 2,

the Board or the Secretary-General, as the case may be, shall send to the Party concerned a notification of the delay requesting such information within a period of three months after the receipt of that notification.

(*b*) If the Party fails to comply within this period with the request of the Board or the Secretary-General, the reservation in question made under paragraph 2 shall cease to be effective.

[7. Any State may at the time of signature or acceptance also make reservations in respect of the following provisions:

.....]

[7. A State which desires to become a Party but wishes to be authorized to make reservations other than those listed in paragraph 2 may inform, in writing, the Secretary-General of such intention. The Secretary-General shall immediately communicate the proposed reservation to all States which have signed or accepted this Convention to ask whether they have any objections. If none of these States makes an objection in writing within a period of one hundred and eighty days from the date of this communication, the reservation concerned shall be deemed to be accepted, provided, however, that after the coming into force of this Convention only objections from Parties shall be considered.]

[7. Any State which is prepared to become a Party but which may wish to be authorized to make reservations as to the application of this Convention other than those enumerated in paragraph 2 may inform the Secretary-General of its intention. The Secretary-General shall immediately communicate such reservations to all Parties and ask whether they have any objections. If no Party makes an objection within a period of one hundred and eighty days from the date of the said communication, the reservation concerned shall be deemed to be accepted.]

8. A State which has made reservations may at any moment by a notification in writing withdraw all or part of its reservations.

Article 57.— *Notifications*

The Secretary-General shall notify to all the Members of the United Nations and to the other States referred to in article 48, paragraph 1:

.....

In faith whereof, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments:

Done at ..... this ..... day of ..... 195 .. in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be delivered to all the Members of the United Nations and to the other States referred to in article 48, paragraph 1.

[58] The representative of Iran stated that the permitted period should be reduced to ten years.

[59] See, however, article 39, paragraph 3.

Schedules [60]

Schedule I

This schedule will list all drugs except those listed in Schedule II, and will include such drugs as opium, morphine, pethidine, diacetylmorphine, etc.

Schedule II

This Schedule will contain all drugs which are subject to a less severe regime and are at present included in group II, [61] such as codeine.

Schedule III

This schedule will list the preparations which will be exempted from international control, such as preparations containing not more than 0.2% of morphine and compounded with an active substance, or preparations which were expressly exempted by the Health Committee of the League of Nations, such as *Pulvis ipecacuanhae compositus.*

Schedule IV

This schedule will list those drugs in Schedule I which would be subject to the regime of prohibition, such as diacetylmorphine. Cannabis, which might ordinarily be listed in this Schedule, is, however, subject to a special regime as contained in article 39, and if listed in this schedule, reference should be made to the provisions of this latter article.

[60] The Schedules are being prepared by the United Nations Secretariat and will be transmitted later to Governments and interested international organizations.

[61] i.e. the group II of drugs referred to in article 1, paragraph 2, of the 1931 Convention and article 1, paragraph 2, of 1948 Protocol. The Convention and Protocol are mentioned in articles 51 (*d*) and (*i*) of the present (Third) Draft.

II. — THIRD DRAFT OF SCHEDULES

[E/CN.7/AC.3/9/Add.1]
[*18 November 1958*]
[*Original: English*]

1. In accordance with the Commission's request,[1] the Secretary-General has prepared the schedules[2] below.

2. As has been decided by the Commission, the schedules are drafted in such a way that the individual drugs would in principle be subject to a regime corresponding to that by which they are governed under the existing treaties. Thus Schedule II lists all drugs which would be subject to the regime applicable to codeine, i.e. to the regime which would correspond to that applying at present to drugs in Group II of article 1 of the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931 (subsequently referred to as the 1931 Convention). Schedule III lists all preparations which are *at present* exempted from the control provisions provided by the International Opium Convention signed at Geneva on 19 February 1925 (subsequently referred to as the 1925 Convention) for preparations of narcotic drugs such as morphine. Schedule IV contains drugs subject to a regime of prohibition not provided for at present and was prepared in accordance with specific decisions of the Commission adopted at its tenth and thirteenth sessions.[3] Schedule I lists all drugs at present under international control except those subject to the control regime applicable to drugs of Group II of article 1 of the 1931 Convention.

3. The drugs included in the schedules are designated by their international non-proprietary names, proposed or recommended,[4] where available, and other names used in the Third Draft of the Single Convention on Narcotic Drugs (subsequently referred to as the Third Draft) (E/CN.7/AC.3/9), in the existing narcotics treaties or in the notifications placing them under international control. The non-proprietary names, whether proposed or recommended, are reproduced in capital letters. Standard forms of chemical names are also added, where appropriate.

4. Following the method employed in article 1 of the 1931 Convention, some drugs are listed separately in Schedule I although they fall into one of the several general groups included in this Schedule, i.e. the esters of morphine, the ethers of morphine or the pentavalent nitrogen morphine derivatives. Such drugs are marked by asterisks.

SCHEDULE I

The following drugs obtained from the opium poppy

Opium
Poppy straw[5]
Benzylmorphine *
Desomorphine (Dihydrodesoxymorphine)
Diacetylmorphine * (Diamorphine, Heroin)
Dihydromorphine
Esters of Desomorphine
Esters of Dihydromorphine
Esters of Hydrocodone
Esters of Hydromorphone
Esters of Oxycodone
Esters of Metopon
Esters of Morphine[6] (in addition to Diacetylmorphine and Myrophine)
Esters of Thebacon
Ethers of Morphine (in addition to Benzylmorphine and Myrophine and *except* Codeine, Ethylmorphine and Pholcodine)
Hydrocodone (Dihydrocodeinone)
Hydromorphone (Dihydromorphinone)
Methyldesorphine (6-methyl- Δ^6 - desoxymorphine)
Methyldihydromorphine (6-methyldihydromorphine)
Metopon (7-methyldihydromorphinone)
Morphine
Morphine-N-oxide and its derivatives *
Myrophine * (Myristyl ester of benzylmorphine)[7]

[1] Economic and Social Council, *Official Records*, twenty-sixth session, supplement No. 9 (E/3133), para. 468.

[2] E/CN.7/AC.3/9, art. 2 and paras. following art. 57.

[3] Economic and Social Council, *Official Records*, twentieth session, supplement No. 8 (E/2768/Rev.1), paras. 149-150 and Annex D; and twenty-sixth session, supplement No. 9 (E/3133), Annex V.

[4] The procedure for selection of international non-proprietary names by the World Health Organization is briefly as follows: "Proposed" names are published in the Chronicle of the WHO and notified by letter to States Members of the WHO and the national pharmacopoeia commissions or other bodies designated by Member States. Notice may also be given to persons having an interest in the name. If no formal objection from any interested person is filed within four months of the date of publication in the *Chronicle*, or all objections have been withdrawn, the "proposed" name becomes a "recommended" name and the same procedure of notification is followed as in the case of the "proposed" name. States Members of the WHO are at the same time requested to recognize the recommended name as the non-proprietary name for the drug and to prevent the acquisition of proprietary rights therein. No name may be selected as a recommended name if and as long as there exists any formal objection to it. (For the complete description of the selection procedure, see *Official Records of the World Health Organization No. 60*; Annex 3 (pp. 55-56).)

[5] See article 1 (v) of the Third Draft (E/CN.7/AC.3/9).

[6] e.g., Nicomorphine (Di-nicotinic acid ester of morphine).

[7] By notification of 22 October 1954, the WHO informed the Secretary-General that, in accordance with article 11, para. 3, of the 1931 Convention, it had found that Myrophine was "not capable of producing addiction", but was "convertible into a drug capable of producing addiction". (See notification of the Secretary-General of 22 November 1954 (C.N.216.1954.Narcotics).) As a result of this decision, the question of determining whether Myrophine should fall under sub-group (*b*) of Group I, or under Group II of article 1 of the 1931 Convention was referred to "a

Normorphine (N-demethylated morphine)
Oxycodone (Dihydrohydroxycodeinone) [8]
Oxymorphone (Dihydrohydroxymorphinone)
Pentavalent nitrogen morphine derivatives (in addition to Morphine-N-oxide and its derivatives)
Thebacon (Acetyldihydrocodeinone, Acetyldemethylodihydrothebaine)
Thebaine
Any other product obtained from any phenanthrene alkaloid of opium, not in use [9] for medical or scientific purposes on .....

The following drugs obtained from the coca bush

Coca leaves [10]
Cocaine * (Methyl ester of benzoylecgonine)
Laevo-Ecgonine and its esters as well as all the derivatives of laevo-ecgogine which might serve industrially for its recovery (in addition to Cocaine).
Any other product obtained from the ecgonine alkaloids of the coca leaf, not in use for medical or scientific purposes on ..... [9]

The following drugs obtained from the cannabis plant

Cannabis and cannabis resin, extracts and tinctures of cannabis, or any other substance containing the pharmacologically active principle of the cannabis resin.[11]

The following drugs of the pethidine group

Alphameprodine (α-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine)
Alphaprodine (Nisentil; α-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Anileridine (1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Betameprodine (β-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine)
Betaprodine (β-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine)
Esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid (other than Pethidine and Properidine)
Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4 carboxylic acid ethyl ester)
Hydroxypethidine (Bemidone; 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester)
Ketobemidone (1-methyl-4-(3-hydroxyphenyl)-4-piperidyl ethyl ketone)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine (Demerol, Isonipecaine; 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Trimeperidine (Promedol; 1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)

The following drugs of the methadone group

Alphacetylmethadol (α-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane)
Alphamethadol (α-6-dimethylamino-4,4-diphenyl-3-heptanol) [12]
Betacetyilmethadol (β-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane)
Betamethadol (β-6-dimethylamino-4,4-diphenyl-3-heptanol) [13]
Dextromoramide ((+)-3-methyl-4-morpholino-2,2-diphenylbutyrylpyrrolidine)
Dimenoxadol (dimethylaminoethyl-l-ethoxy-1,1-diphenylacetate)
Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol) [14]
Dioxaphetyl Butyrate (ethyl 4-morpholino-2,2-diphenylbutyrate)
Dipipanone (4,4-diphenyl-6-piperidino-3-heptanone)
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Levomoramide ((−)-3-methyl-4-morpholino-2,2-diphenylbutyrylpyrrolidine)
Methadone (Amidone, Dolophine, Adanon; 6-dimethylamino-4,4-diphenyl-3-heptanone)
Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
Phenadoxone (Heptalgin; 6-morpholino-4,4-diphenyl-3-heptanone)
Racemoramide ((±)-3-methyl-4-morpholino-2,2-diphenylbutyrylpyrrolidine)

The following drugs of the morphinan group

Levormethorphan ((−)-3-methoxy-N-methylmorphinan)
Levorphanol ((−)-3-hydroxy-N-methylmorphinan)
Phenomorphan (3-hydroxy-N-phenethylmorphinan)
Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
Racemorphan ((±)-3-hydroxy-N-methylmorphinan)

The following drugs of the dithienylbutenylamino group

Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)

---

body of three experts", as provided for in article 11, para. 4, of the 1931 Convention. At the time of writing this document the "body of three experts" had not yet taken a final decision on the position of this drug, which thus continues to be provisionally controlled in accordance with article 11, para. 1, of the 1931 Convention and to be subject to the international regime applicable to drugs of Group I. (See notification of the Secretary-General of 9 June 1955 (C.N.41.1955.Narcotics).)

[8] Spelled "Dihydrohydrooxycodeinone" in article 1 of the 1931 Convention.

[9] The Third Draft does not contain a provision equivalent to that of article 11, para. 1, of the 1931 Convention.

[10] See articles 1 (*f*) and 38 of the Third Draft (E/CN.7/AC.3/9).

[11] See article 39 of the Third Draft (E/CN.7/AC.3/9), Schedule IV below.

[12] See footnote 14.

[13] See footnote 14.

[14] Placed under international control by decision of the WHO (notifications of the Secretary-General, dated 5 March 1951 and 15 May 1952 (C.N.20 and C.N.63.1952.Narcotics)). Its α and β forms were also individually placed under control by separate decisions of the WHO (notifications of the Secretary-General, dated 13 November 1953 and 24 November 1954 (C.N.118.1953. Narcotics and C.N.214.1954.Narcotics)).

Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)

The following drug of the hexamethyleneimine group

Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine)
The salts of all the drugs listed in this schedule whenever the formation of such salts is possible.

SCHEDULE II

The following drugs obtained from the opium poppy

Acetyldihydrocodeine
Codeine (Methylmorphine)
Dihydrocodeine
Ethylmorphine
Pholcodine (Morpholinylethylmorphine)

The following drug of the methadone group

Propoxyphene (4-dimethylamino-3-methyl-1,2-diphenyl-2-propionoxybutane)
The salts of all the drugs listed in this Schedule whenever the formation of such salts is possible.

SCHEDULE III

Preparations of drugs listed in Schedule II which are adapted to a normal therapeutic use.[15]
[Preparations made from the extracts and tinctures of cannabis which are capable only of external use].[16]
Preparations of cocaine or morphine containing not more than 0.1 per cent of cocaine or 0.2 per cent of morphine and compounded with an active substance.[17]

[15] The interpretation of this paragraph has presented certain difficulties. If the relevant opinion (League of Nations document C.191.M.136.1937.XI, para. 135) of the Opium Advisory Committee is adopted, there seems to be hardly any difference between the legal position of these preparations, if adapted to a normal therapeutic use, and those preparations which are exempted in accordance with article 8 of the 1925 Convention (see, however, article 22 of the 1931 Convention as interpreted in para. 193 of the same document). Preparations of drugs listed in Schedule II which are adapted to a normal therapeutic use are, therefore, included in Schedule III, i.e., in the list of exempted preparations.

[16] These preparations were included in Schedule III in agreement with their existing position under the international control regime. It might have to be considered, in the light of the provisions of article 39 of the Third Draft whether their exemption should be continued.

[17] The WHO, in accordance with article 8 of the 1925 Convention, specifically exempted Ipecopan malted tablets, Ipecopan solution, Ipecopan malted syrup, Ipesandrine sugar-coated tablets, Ipesandrine solution, Ipesandrine syrup, containing not more than 0.2 per cent anhydrous morphine compounded with other medicaments. (Communication of the Secretary-General, dated 11 July 1952 (C.N.87.1952.Narcotics).)

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*	
The following opium preparations: [a]			
			Grammes
Anodyne Balm ** [b]		Dried officinal opium	60
		Soap	120
		Camphor	90
		Saffron	30
		Alcohol 80°	3,000
			Parts
Dover's Powder ** [c]	Austrian Pharmacopoeia VIII - 1906	Radicis Ipecacuanhae (VI)	1
		Pulveris Opii preparati (V)	1
		Sacchari (V)	8
			Grammes
Emplastrum Opii		Elemi	20
		Terebinthina	30
		Cera flava	15
		Olibanum pulvis	18
		Benzoes pulvis	10
		Opii pulvis	5
		Balsamum peruvianum	2
Emplastrum Opii		Extract of opium	25
		Refined elemi	25
		Diachylon plaster with gum	50
Emplastrum Opii		Elem	8
		Tereb nthinae communis	15
		Cerae flavae	5
		Olibani pulveratae	8
		Benzoes pulveratae	4

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*	
			Grammes
Emplastrum Opii	British Pharmacopoeia 1898 (not in later editions)	Opii pulverati	2
		Balsami peruviani	1
		Opium, in very fine powder	10
		Resin plaster	90
Emplastrum Opii mixed with other plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex			
			Millilitres
Linimentum Opii		Tincture of opium	500
British Pharmacopoeia 1914 (not in later editions)		Liniment of soap	500
Liniment Opii mixed with any other liniment of the British Pharmacopoeia or of the British Pharmaceutical Codex			
			Parts
Linimentum Opii ammoniatum	British Pharmaceutical Codex, 1923	Ammoniated liniment of camphor	30
		Tincture of opium	30
		Liniment of belladonna	5
		Strong solution of ammonia	5
		Liniment of soap to 100	
Linimentum Opii ammoniatum mixed with any other British Pharmacopoeia or British Pharmaceutical Codex liniment			
			Grammes
Pilulae Anti-diarrhoeae (Diarrhoea pills)	Government Medical Depot (Thailand)	Camphor	0.0648
		Lead acetate	0.013
		Bismuth subnitrate	0.162
		Tannic acid	0.0648
		Opium powder	0.026
Pilulae Digitalis et Opii compositae	British Pharmaceutical Codex 1923 (not in British Pharmaceutical Codex (1934)	Digitalis leaves, in powder	0.31 [d]
		Opium in powder	0.19
		Ipecacuanha root, in powder	0.13
		Quinine sulphate	0.78
		Syrup of glucose, a sufficient quantity to make 12 pills	
Pilulae Hydrargyri cum Creta et Opio	British Pharmaceutical Codex 1923 (not in 1934)	Mercury with chalk	0.78
		Compound powder of ipecacuanha [e]	0.78
		Milk sugar, a sufficient quantity	
		Syrup of glucose, a sufficient quantity to make 12 pills	
Pilulae Hydrargyri cum Opio	British Pharmaceutical Codex 1923 (not in 1934)	Mercury pill	3.89
		Opium, in powder	0.19
		To make 12 pills	
			Centigrammes
Pilulae Hydrargyri bichlorati cum Opio Extracto	Pharmacopoeia Gallica (not in Pharm. Gall. VII-1949)	Bichloride of mercury triturated	10
		Extract of opium	20
		Extract of couchgrass	20
		Liquorice root in powder in sufficient quantity for 10 pills	
Pilulae Hydrargyri cum Opio pulverato	Pharmacopoeia Gallica (not in Pharm. Gall. VII-1949)	Hydrargyrum iodatum freshly prepared	60
		Opium powder	20
		Powdered liquorice	30
		White honey, sufficient quantity for 10 pills	
Pilulae Ipecacuanhae cum Scilla	British Pharmacopoeia 1913 (not in British Pharmacopoeia 1932)	Compound powder of ipecacuanha [f]	30
		Squill, in powder	10
		Ammoniacum, in powder	10
		Syrup of glucose, a sufficient quantity Mix to form a mass dose 25 to 50 centigrammes	

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*
		Grammes
Pilulae Plumbi cum Opio	British Pharmacopoeia, 1914 British Pharmaceutical Codex, 1923 The preparation appears in the British Pharmaceutical Codex 1934, although somewhat different	Lead acetate, in powder ..... 80 Opium, in powder ..... 12 Syrup, of glucose ..... 8 (or sufficient quantity to form a mass) Dose 12-25 centigrammes British Pharmaceutical Codex, 1934: Lead acetate, in powder ..... 2.60 Powdered opium ..... 0.39 Syrup of liquid glucose sufficient quantity for 25 pills
Pilulae Terebinthinae compositae	Pharmacopoeia Svecica Ed. X (1925)	Opium ..... 0.5 Chinini sulfas ..... 2 Styrax liquidus ..... 2 Terebinthina laricina ..... 8 Magnesii subcarbonas, a sufficient quantity to make 100 pills
Pulvis Doveri ** (Pulvis Opii et Ipecacuanhae Com.)	Deutsches Arzneibuch 6	Radix Ipeca. Pulv. ..... 1 Pulvis opii ..... 1 Sacchar. Lactis 8
Pulvis Ipecacuanhae compositus (Dover's powder)	British Pharmacopoeia 1914 British Pharmacopoeia 1932 has changed the formula	British Pharmacopoeia 1914: Ipecacuanhae root, in powder .. 10 Opium, in powder ..... 10 Potassium sulphate, in powder .. 80 Dose 3 to 10 decigrammes British Pharmacopoeia 1932 and 1948: Prepared in ipecacuanha ..... 10 Opium in powder ..... 10 Lactose, finely powdered 80
Mixtures of Dover's powder with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate		
Pulvis Kino compositus	British Pharmacopoeia 1914. British Pharmaceutical Codex 1934	Kino, in powder ..... 75 Opium, in powder ..... 5 Cinnamon bark, in powder ..... 20 Dose 3-10 decigrammes
Suppositoria Plumbi composita	British Pharmacopoeia 1914 (Not in British Pharmacopoeia 1932 or British Pharmaceutical Codex 1934)	Lead acetate, in powder ..... 2.4 Opium, in powder ..... 0.8 Oil of theobroma, a sufficient quantity for 12 suppositories, each weighing about 1 gramme
Tabella Hydrargyri cum Opio	(Royal Army Medical Service Department) (Thailand)	Mercurous chloride powder ..... 0.065 Antimony oxide powder ..... 0.065 Ipecacuanha-root powder ..... 0.065 Powdered opium ..... 0.065 Milk sugar ..... 0.065 Gelatine solution, a sufficient quantity to make 1 tablet
Tabella Plumbi cum Opio	(Thailand)	Sugar of lead ..... 0.195 Powdered opium ..... 0.065 Gelatine solution, a sufficient quantity to make 1 tablet
Tablettae Plumbi cum Opio	British Pharmaceutical Codex 1923	Lead acetate, in fine powder ... 19.44 Opium, in powder ..... 3.24 Refined sugar, in powder 6.48

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*
		Millilitres
		Ethereal solution of theobroma . 3.60
		Alcohol 0.90
		Make into 100 tablets
		Grammes
Tablets for Coryza No. 2	(Frank S. Betz & Co., U.S.A.)	Powdered opium 0.0043
		Quinine sulp. 0.022
		Ammon. chlor. 0.022
		Camphor 0.022
		Extract of belladonna leaves 0.0043
		Extract of aconite root 0.0043
Tablets for Diarrhoea No. 2 (Sullivan)	(Frank S. Betz and Co., U.S.A.)	Powdered opium 0.016
		Camphor 0.016
		Powdered Ipecacuanha 0.0008
		Lead acetate 0.011
Tablets for Dysentery	(H. K. Mulford Co., U.S.A.)	Powdered opium 0.013
		Powdered Ipecacuanha 0.0648
		Powdered calomel 0.0324
		Lead acetate 0.0324
		Bismuth betanaphthol 0.1944
Tablets of powdered Ipecacuanha with opium **	Austrian Pharmacopoeia VIII	
		Parts
Unguentum Gallae compositum	British Pharmaceutical Codex 1923	Galls in very fine powder 20
		Extract of opium 4
		Distilled water 16
		Wool fat 10
		Soft paraffin, yellow 50
Unguentum Gallae compositum mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex		
		Grammes
Unguentum Gallae cum Opio	British Pharmacopoeia 1914	Gall ointment 92.5
		Opium in powder 7.5
Unguentum Gallae cum Opio mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex		
Yatren-105 (Iodoxyquinoline-sulphonic acid) with 5 per cent opium admixture		
The following additional morphine preparations:		
		Millilitres
Anti-dysentery mixture **	(British Dispensary, Bangkok)	Or. ricini 42.6188
		Grammes
		Morphine hydrochlor. 0.1944
		Millilitres
		Flavoured emulsion to make ... 340.95
		Grammes
Cereoli Iodoformi et morphinae	British Pharmaceutical Codex 1923	Iodoform 0.320
		Morphine hydrochl. 0.016
		Oil of theobroma sufficient to fill a 1-gramme mould for 1 bougie
Caustic " Nerve Pastes "		Preparations containing in addition to morphine salts, or morphine and cocaine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*
The following additional cocaine preparations:		*Grammes*
Bernatzik's Injections		(*a*) Hydrargyrum bicyanatum ... 0.03 Cocainum ..... 0.02 (*b*) Hydrargyrum succinatum .... 0.03 Cocainum 0.01
Caustic " Nerve Pastes "		Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste
Cocaine and Atropine Tablets, with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet		Atropinum sulphuricum ..... 0.0003 Cocaine hydrochloricum ..... 0.0003 Mannite ..... 0.003 Weight of one tablet ..... 0.0036 (Cocaine content 8.3 per cent)
Natrium biboracicum compositum cum Cocaino		In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per cent of cocaine salts in conjunction with not less than 20 per cent borax and not less than 20 per cent antipyrine, or some similar analgesic, and not more than 40 per cent of flavouring matter. Maximum weight of each tablet 1 gramme
Pasta Arsenicalis **	British Pharmaceutical Codex	Arsenic Trioxide ..... 500 Cocaine hydrochloride ..... 500 Creosote, a sufficient quantity to form a stiff paste
Stila's Injections		(*a*) Hydrargyrum succinatum .... 0.03 Cocainum muriaticum ..... 0.01 (*b*) Hydrargyrum succinatum ... 0.05 Cocainum muriaticum 0.03
Voice Tablets		Kalium chloricum Borax Cocainum ..... 0.00025 Weight of one tablet 0.335
The following additional cannabis preparation:		
Indian Cigarettes of Grimault ** [g]	Dr. Ph. Chapelle	Belladonna leaves ..... 0.962 Cannabis indica extract ..... 0.0005 Nitrate of potash 0.033
The following hydrocodone preparation:		
Cardiazol-Dicodide Solutions		Solutions containing not less than 10 per cent of cardiazol and not more than 0.5 per cent of dicodide salts
The following oxycodone preparations:		
Anti-Opium Tablets [h]	Dr. C. Gayetti, M.D.	Eucodol ..... 1 Pulvis gentianae ..... 35 Pulvis ipecacuanhae ..... 20 Quinine sulphate ..... 20 Caffeine ..... 5 Sugar or milk ..... 25 Mix up and make up 5-grain tablets

Preparation	*Pharmacopoeia or other authority for the formula*	*Formula*	
			Grammes
Tablets B.B. Compound	Dr. Lionel Verkey	Berberis vulgaris powder	0.0324
		Nux vomica	0.013
		Eucodal	0.0032
		Ipecacuanha	0.0648
		Rhubarb	0.013
		Pulvis cinnamoni compositus ...	0.0324
		Aromatic chalk	0.0032
The following diacetylmorphine preparations:[1]			*Grains*
Elixir Camphorae compositum		Camphor	4
			Minims
		Oil of anise	5
			Grains
		Benzoic acid	6
		Diamorphine hydrochloride	4
			Minims
		Liquid extract of ipecacuanha ..	120
			Fl. ounces
		Tincture of squill	1½
		Simple syrup to 20 fl. ounces	
			Grains
Elixir Diamorphinae et Terpini, with Apomorphine		Apomorphine hydrochloride	5
		Diamorphine hydrochloride	4
		Terpin hydrate	44
			Fl. ounces
		Alcohol	10
		Glycerine	5
		Syrup of wild cherry to 20 fl. ounces	
			Minims
Linctus Diamorphinae cum Ipecacuanha	British Pharmaceutical Codex 1934	Liquid extract of ipecacuanha ..	120
			Grains
		Diamorphine hydrochloride	4
			Fl. ounces
		Tincture of hyoscyamus	1½
		Spirit of chloroform	1½
		Syrup of balsam of tolu	3
		Syrup of wild cherry	3
		Glycerine to 20 fl. ounces	
Linctus Senegae compositus		Liquid extract of senega	1
		Liquid extract of squill	1
			Grains
		Tartarated antimony	8
		Diamorphine hydrochloride	4
			Fl. ounces
		Glycerine	2
		Simple syrup to 20 fl. ounces	
			Grains
Linctus Thymi compositus		Diamorphine hydrochloride	4
		Apomorphine hydrochloride	5
			Fl. ounces
		Distilled water	1
		Liquid extract of thyme (I-I) ...	5
		Solution of tolu	1¼
		Glycerine to 20 fl. ounces	

[a] The following opium, morphine, cocaine, cannabis, hydrocodone, oxycodone and diacetylmorphine preparations were exempted by virtue of article 8 of the 1925 Convention.

Under article 9 of the 1925 Convention the following opium officinal preparations — tincture of opium, Sydenum laudanum and Dover's Powder — are subject to a special privileged regime. These opium preparations are not mentioned in the Third Draft (E/CN.7/AC.3/9) and to the extent that they do not appear in

SCHEDULE IV

The following drugs obtained from the cannabis plant

Cannabis and cannabis resin, extracts and tinctures of cannabis, or any other substances containing the pharmacologically active principle of the cannabis resin (subject to the special regime provided for in article 39).

The following drugs obtained from the opium poppy

Desomorphine
Diacetylmorphine (Diamorphine, Heroin)

The following drug of the pethidine group

Ketobemidone
The salts of all the drugs listed in this Schedule whenever the formation of such salts is possible.

Schedule III, it may be considered whether provision will have to be made if it is desired to maintain the existing situation.

[b] This preparation, as well as all the following preparations marked by two asterisks, were, although exempted by the Health Committee of the League of Nations under article 8 of the 1925 Convention, not included in the " Recapitulatory List of Preparations Exempted from the Provisions of the 1925 International Opium Convention by Application of Article 8 of that Convention " (League of Nations document C.114.M.54.1932.III). In this connexion, there is stated in the Eighth Report of the Expert Committee on Addiction-Producing Drugs of the WHO :

" The Committee's attention was drawn to a recapitulatory list of exempted preparations (League of Nations, Health Organization (1932) *Recapitulatory list of preparations exempted from the provisions of the 1925 International Opium Convention by application of Article 8 of that Convention*, Geneva (document C.114. M.54.1932.III)) and to certain anomalies therein such as the inclusion of preparations which are today virtually obsolete. The Committee considered an improvement of the list to be desirable and hoped that a suitable programme to that end could be evolved, in which it would be glad to participate. " (See *WHO Technical Report Series*, 1958, 142, Chapter 11.)

[c] See below, Pulvis Doveri and Pulvis Ipecacuanhae compositus.

[d] Probably a misprint for 0.39 grammes.

[e] For formula of " Compound powder of ipecacuanha " see below under the preparation " Pulvis Ipecacuanhae compositus ".

[f] See footnote e.

[g] See footnote 16.

[h] In exempting this preparation from the operation of the 1925 Convention, the Health Committee of the League of Nations expressed the wish that the preparation should not be offered to the public under the name of " anti-opium ".

[i] In the light of the provisions of article 2, paragraph 1 (*e*) of the Third Draft (E/CN.7/AC.3/9) and of the inclusion of diacetylmorphine in Schedule IV, it will have to be considered whether the exemption of such diacetylmorphine preparations should be continued or not.

III. — AMENDMENTS

[E/CONF.34/L.15]
[*27 February 1961*]
[*Original: English*]

Brazil, Canada, Ghana, India, Pakistana and the United Kingdom: amendments to articles 1 and 39

Article 1

The definition of cannabis shall not include cannabis leaves.

Article 39

A separate paragraph should provide that the Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, cannabis leaves.[1]

[E/CONF.34/C.9/L.2]
[*28 February 1961*]
[*Original: Russian*]

Union of Soviet Socialist Republics: amendments to article 1

1. Delete paragraph 1 (*z*) and replace by the following:

" ' Reserve stocks ' means the stocks of a drug held in a country or territory and intended for

(*a*) Consumption in the country or territory for medical and scientific purposes, and/or

(*b*) Utilization in the country or territory for the preparation of other substances, and/or

(*c*) Export.

' Reserve stocks ' do not include the amounts of the said drug held in the country or territory by

(*a*) Retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions,

(*b*) The Government of the country or territory, as ' special Government stocks '."

2. Delete paragraph 1 (*n*) and replace by the following:

" ' Special Government stocks ' means the amounts of a drug held in a country or territory by the Government of such country or territory to meet exceptional circumstances and other special requirements other than those for which ' reserve stocks ' may be maintained in the said country or territory."

3. Delete paragraph 1 (*m*).

[E/CONF.34/L.39]
[*21 March 1961*]
[*Original: English*]

India: amendments to article 1

1. *Paragraph (c) " Cannabis "*

In view of the decision by the Plenary session that cannabis leaves be excluded from the definition of cannabis, the words " leaves or " should be deleted from the definition of cannabis " recommended in the report of the Technical Committee (E/CONF.34/11).

2. *Paragraph (k) " Drug "*

Delete the words " because it is or may be liable to similar abuse and productive of similar ill effects as the substances so listed." *Note:* Since the criteria for the addition of a substance to a schedule have been incorporated in the Convention itself, these words are no longer necessary in the definition.

3. *Paragraph (q) " Manufacture "*

At the end of the paragraph, add the words " or otherwise rendering them into forms capable of administration."

4. *Paragraph (v) " Poppy straw "*

Since it has been decided by the Plenary Session that some control over poppy straw will be provided for in the Convention by a separate article, it is necessary to retain a definition of poppy straw in some suitable form in article 1.

[E/CONF.34/C.2/L.1]
[*30 January 1961*]
[*Original: English*]

Canada: re-draft of article 2, paragraphs 1 and 2

" Article 2. — *Substances under control*

" 1. Except as to measures of control which are limited to specified drugs, the drugs listed or described in schedule I are subject to all measures of control

[1] It is pointed out that no country will be prevented from applying, in accordance with a general clause to be inserted in the Convention, more rigid national control.

applicable to drugs under this Convention and in particular to those prescribed in the following provisions:

" (i) Article 30 (restriction to medical and scientific use) subject to such reservations as are made under Article 56;

" (ii) Articles 27 and 28 (statistics and estimates);

" (iii) Article 29 (limitation of manufacture and importation);

" (iv) Articles 40, 41 and 42 (control of manufacture, internal trade and distribution and international trade);

" (v) Article 46 (seizure, confiscation and destruction).

" 2. The drugs listed in Schedule II are subject to the same measures of control as those listed in Schedule I, with the exception of the following:

" (i) The use of special prescription forms (Article 41, paragraph 2 (*b*));

" (ii) The control of retail trade and distribution (Article 41);

" (iii) The destruction of confiscated drugs (Article 46).

" 3. Preparations, other than those listed in Schedule III, are subject to the same measures of control as the drugs which they contain.

" 4. Preparations listed in Schedule III are exempt from all provisions of this Convention except the following:

" (i) Article 27 (1) (*c*) (statistics of utilization of drugs in Schedules I and II for manufacture of such preparations);

" (ii) Article 28 (1) (*c*) (estimates of requirements of such drugs for the same purpose);

" (iii) Article 29 (1) (*b*) (limitation of manufacture and import of drugs).

" 5. The drugs listed in Schedule IV are drugs with specially dangerous properties and, in addition to being subject to the measures of control applicable to drugs in Schedule I, a party shall adopt such special measures of control, if any, with respect to such drugs as in its opinion are necessary having regard to their specially dangerous properties, and if in the opinion of a party the prevailing conditions in its country render it the most effective means of protecting the public health and welfare or of preventing such drugs from entering the illicit traffic, it shall prohibit the production, manufacture of, trade in, possession or use of such drug except for amounts as may be necessary for medical and scientific research only, including clinical experimentation therewith to be conducted under or subject to the supervision and control of the party.

" 6. In addition to the measures of control which apply to all drugs listed in Schedule I opium is subject to the provisions of Articles 31-34, the coca leaf and crude cocaine to those of Articles 36-38, and cannabis to those of Article 39.

" 7. The opium poppy, the coca bush, and the cannabis plant are subject to the control measures prescribed in Articles 31, 35, 36 and 39 respectively."

[E/CONF.34/C.2/L.3]
[*1 February 1961*]
[*Original: English*]

United States of America: amendment to the re-draft of article 2, paras 1 and 2, submitted by Canada (E/CONF.34/C.2/L.1)

Replace the text of paragraph 5 by the following:

" 5. The drugs listed or described in Schedule IV shall be listed in and subject to all measures of control applicable to drugs in Schedule I, and in addition thereto a Party shall:

" (*a*) adopt any special measures of control as in its opinion are necessary having regard to the dangerous properties of a drug so concerned; and

" (*b*) if the prevailing conditions in its country render it the most effective means of protecting the public health and welfare prohibit the production, manufacture of, trade in, possession or use of such drugs except for amounts as may be necessary for medical and scientific research only including clinical experiments therewith to be conducted under or subject to the supervision and control of the Party."

[E/CONF.34/C.6/L.6]
[*23 February 1961*]
[*Original: English*]

Suggestion by the Secretariat

Article 2, paragraph 10

In accordance with a request by the Drafting Committee, the Secretariat suggests that the following definition be included in article 1; this would permit the deletion of paragraph 10 of article 2 as recommended in the report of the *ad hoc* Committee on articles 2 and 3 (E/CONF.34/C.2/L.7):

" 'Schedule I', 'Schedule II', 'Schedule III' and 'Schedule IV' mean the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3."

[E/CONF.34/C.2/L.2]
[*30 January 1961*]
[*Original: English*]

Canada and the United States of America: re-draft of article 3, paragraphs 1-3

This is an alternative draft to permit the Commission to amend any of the schedules by adding, transferring or deleting a substance and also transfers from the

definition of the term " drug " the criteria or standards for adding any substance to the schedules to Article 3. It also provides a method of appeal by a party from a decision of the Commission.

" Article 3. — *Changes in the Scope of Control*

"1. Where a Party or the World Health Organization has information which in its view may require an amendment to any to the schedules it shall notify the Secretary-General, furnishing at the same time all relevant information.

" 2. The Secretary-General shall transmit the notification to the Parties, and to the Commission, and where notification is made by a Party to the World Health Organization, together with such information as he considers necessary and in the light of such information the Parties shall consider the provisional application to such substance of the measure of control applicable to the drugs in Schedule 1.

"3. (*a*) Upon the receipt of a notification under paragraph 2 and upon the advice and recommendation of the World Health Organization, the Commission may add a substance to any of the schedules if the World Health Organization has found the substance in question is capable of producing or sustaining addiction or of conversion into a product capable of producing or sustaining addiction and is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs listed un Schedule I. If the Commission finds that the liability of the substance in question to be abused, to produce similar ill effects or to be addiction producing or sustaining, is substantially greater than is the case of any of the drugs in Schedule I and that such liability is not offset by substantial therapeutic advantages not possessed by other drugs, it shall place such substance in Schedule IV. Upon the advice and recommendation of the World Health Organization, the Commission may add a preparation to Schedule III if it finds that, because of the small amount of the drug and the presence of medicinal ingredients other than drugs subject to this Convention in recognized therapeutic proportions, it is not more liable to similar abuse or productive of similar ill effects or to be addiction producing or sustaining than the preparations listed in Schedule III.

" (*b*) Upon receipt of a notification under paragraph 2 and upon the advice recommendation of the World Health Organization, the Commission may delete from any of the Schedules a substance which the World Health Organization has found is in fact not capable of producing or sustaining addiction or of conversion into a product capable of producing or sustaining addiction, and is in fact not liable to the same kind of abuse and productive of the same kind of ill effects as the drugs listed in Schedules I or II.

" (*c*) Upon the advice and recommendation of the World Health Organization, the Commission may transfer a drug from one schedule to another schedule if it finds that such transfer is necessary because of the requirements herein before provided for the inclusion of a drug in a particular schedule.

" (*d*) The Commission may take action in certain cases deviating from recommendation of the World Health Organization but shall not do so except on non-medical grounds and after further consultation with the World Health Organization.

" (*e*) The Commission through the Secretary-General shall notify the Parties of its decision with reference to the amendment to any of the schedules.

" 4. Upon receipt of a notification regarding the inclusion of an additional substance in the system of control established by this Convention, the Commission may, prior to consultations with the World Health Organization or pending the procedure referred to in paragraph 3 recommend that the Parties apply provisionally to that substance the provisions of this Convention relating to drugs in Schedule I.

" 5. (*a*) Where a Party disagrees with a decision of the Commission to amend a schedule as provided in paragraph 3, such Party may request the Commission to review such decision providing reasons therefore with such medical and scientific evidence which shall support such reasons. The Commission through the Secretary General on receipt of such request notify the Parties including the World Health Organization furnishing all relevant information and inviting the Parties including the World Health Organization, to comment thereon within a period to be fixed by the Commission, but not to exceed six months.

" (*b*) The Commission following the expiration of the period so fixed shall review the request in the light of the comments so received and shall permit the Party requesting and any other Party which requests it an opportunity to be heard and the Commission shall on the basis of all of the evidence at that time before it shall decide whether or not to review the decision so made. During the pendency of such review the decision shall remain in effect.

" (*c*) If the Commission is of the opinion that the decision so made should be reviewed it shall refer the same to a body of three experts competent to deal with the medical and scientific aspects of the matter, of whom one shall be designated by the Party appealing, one by the Commission (who shall not have been directly involved in the original decision), and the third who shall act as Chairman by the two members so designated.

" (*d*) The Commission shall furnish to the said body of experts all relevant information with respect to the matter and such body shall, as soon as may be practicable render a decision which may be by a majority of its members and the decision of the Commission shall be confirmed, amended or revoked in accordance with the decision so given and through the Secretary-General shall forthwith be communicated to all Parties.

" 6. Decisions of the Commission taken in accordance with this article shall not be subject to review by the Council as provided in Article 10."

[E/CONF.34/C.2/L.5]
[*2 February 1961*]
[*Original: English*]

United Kingdom: amendments to the re-draft of article 3, paragraphs 1-3, submitted by Canada and the United States of America (E/CONF.34/C.2/L.2)

Replace paragraphs 2 to 4 by the following:

" 2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

" 3. Where a notification under paragraph 2 relates to a substance not already included either in Schedule I or in Schedule II:

" (i) all Parties shall examine in the light of the available information the possibility of the provisional application to the substance of all measures of control applicable to drugs included in Schedule I;

" (ii) the Commission may decide that the Parties apply provisionally to that substance such measure of control pending a finding of the World Health Organization with respect to that substance. Any such decision of the Commission shall be communicated by the Secretary-General of the United Nations to the World Health Organization and the Board and to all Parties, who shall thereupon apply such measures provisionally to the substance in question;

" (iii) if the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effect as the drugs listed in Schedule I or Schedule II or is capable of conversion into a product liable to such similar abuse and productive of such similar ill effects, it shall communicate that finding immediately to the Commission, and the Commission may thereupon decide that the substance shall be added to Schedule I or II, as the case may be, and, if it so decides, shall notify its decision without delay to the Secretary-General who shall transmit it immediately to all States Members of the United Nations, to non-member States parties to this Convention, to the World Health Organization and to the Board; and upon receipt of that notification a Party shall apply to the substance all measures of control applicable to drugs included in Schedule I or Schedule II, as the case may be.

" 4. If the Commission, on the recommendation of the World Health Organization, finds, in relation to a preparation, that because of the small amount of drugs and the presence of medicinal ingredients other than drugs in recognized therapeutic proportions in that preparation, the preparation is not more liable to abuse similar to that to which drugs listed in Schedule I are liable, or more productive of ill effects similar to those of which drugs listed in Schedule I are productive, than are the preparations listed in Schedule III.

" 5. If the Commission on the recommendation of the World Health Organization finds that the liability of a drug included in Schedule I to abuse and to produce ill-effects is particularly great and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs included in Schedule IV, it shall place that drug in Schedule IV.

" 6. Except in a case to which paragraph 3 applies, the Commission, upon receipt of a notification under paragraph 2, may, upon the recommendation of the World Health Organization, amend any of the Schedules in respect of the substance notified. The Commission shall notify any decision to amend any of the Schedules without delay to the Secretary-General who shall transmit it immediately to all States Members of the United Nations, to non-member States parties to this Convention, to the World Health Organization and to the Board."

[E/CONF.34/C.2/L.6]
[*2 February 1961*]
[*Original: English*]

India: amendments to the re-draft of article 3, submitted by Canada and the United States of America (E/CONF.34/C.2/L.2)

1. In the title, delete the words " paragraphs 1-3 ".

2. In paragraph 1, replace " Where a Party or the World Health Organization " by " Where a government or a competent international association/organization."

3. In paragraph 3 (*a*) at the end of the first sentence, replace the words " Schedule I " by the words " Schedules I and II ".

4. Delete paragraph 3 (*d*).

5. In paragraph 4, replace the word " Commission " by the word " Board ".

6. In paragraph 6, after the words " in accordance with this Article shall ", insert the words " be taken by a two-thirds majority and ".

[E/CONF.34/C.6/L.2]
[*16 February 1961*]
[*Original: English*]

Re-draft by the Chairman of the Drafting Committee

Article 3

" 1. Where a Party of the World Health Organization has information which in its view may require an amendment to any of the schedules, it shall notify the Secretary-General, furnishing at the same time all relevant information.

" 2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

" 3. Where a notification relates to a substance not already included in Schedule I or in Schedule II:

" (i) all Parties shall examine in the light of the available information the possibility of the provisional application to the substance of all measures of control applicable to drugs included in Schedule I;

" (ii) the Commission may decide that the Parties apply provisionally to that substance such measure of control pending a finding of the World Health Organization with respect to that substance. Any such decision of the Commission shall be communicated by the Secretary-General of the United Nations to the World Health Organization and the Board and to all Parties, who shall thereupon apply such measures provisionally to the substance in question;

" (iii) if the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effect as the drugs listed in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding immediately to the Commission, and the Commission may thereupon decide that the substance shall be added to Schedule I or II, as the case may be, and the Secretary-General shall transmit the decision of the Commission immediately to all States Members of the United Nations, to non-member States parties to this Convention, to the World Health Organization and to the Board.

" 4. If the World Health Organization finds on the basis of a notification that a preparation because of the medicaments which it contains is not liable to abuse and cannot produce ill-effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may add that preparation to Schedule III.

" 5. If the World Health Organization finds on the basis of a notification that a drug included in Schedule I is particularly liable to abuse and to produce ill-effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs included in Schedule IV, the Commission may place that drug in Schedule IV.

" 6. Where a notification relates to a drug already included in Schedule I or II or to a preparation in Schedule III, the Commission, in addition to the measure provided for in paragraph 5, may upon recommendation of the World Health Organization amend any of the schedules by " (*a*) transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; " (*b*) by deleting a drug or a preparation as the case may be, from a schedule.

" 7. (*a*) Where a Party disagrees with a decision of the Commission to amend a schedule as provided in paragraphs 3-6, it may request the Commission to review the decision, stating its reasons. The Secretary-General on receipt of such request shall notify the Parties and the World Health Organization of the request and the reasons and invite them to comment thereon within a period to be fixed by the Secretary-General, but not to exceed six months.

" (*b*) The Commission following the expiration of the period so fixed shall review the request in the light of the comments so received and shall permit the Party requesting and any other Party which requests it an opportunity to be heard and the Commission on the basis of all of the evidence at that time before it may modify its decision or review it as hereinafter provided. During the pendency of such review the decision shall remain in effect.

" (*c*) If the Commission is of the opinion that the decision so made should be reviewed it shall refer the same to a body of three experts competent to deal with the technical aspects involved. One Expert shall be designated by the requesting Party and one by the Commission who shall not have been directly involved in the original decision. These two members shall designate the third member who shall act as Chairman.

" (*d*) The Commission shall furnish to the experts all relevant information with respect to the matter and they shall, as soon as may be practicable, render a decision to be adopted by majority and the decision of the Commission shall be confirmed, amended or revoked in accordance with the decision so given and the Secretary-General shall forthwith communicate it to all States Members of the United Nations, to non-member States parties to this Convention, to the World Health Organization and to the Board.[2]

" 8. Upon receipt of a notification by the Secretary-General that a schedule has been amended under this Article, Parties shall take such action as may be required under this Convention.

" 9. Decisions of the Commission taken in accordance with this Article shall not be subject to review by the Council as provided in Article 10." [2]

[E/CONF.34/L.8]
[*20 February 1961*]
[*Original: English*]

United States of America: amendment to article 3 as proposed in the report of the ad hoc Committee on articles 2 and 3 (E/CN.7/C.2/L.7)

If the substance of article 10 is retained, whether in article 10 or in some other article, the United States proposes that the following be substituted for paragraph 7:

" 7. (*a*) The decisions of the Commission amending any of the schedules shall be subject to review by the Council upon the request of any Party filed within 90 days from receipt of notification of the decision. The request for review shall be filed with the Secretary-General together with all relevant information upon which the request for review is based.

" (*b*) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the WHO and to all the Parties inviting

[2] A decision on these paragraphs (paragraphs 7 and 9) has been deferred by the Plenary Session.

them to submit comments within 90 days. All comments received shall be submitted to the Council for consideration.

" (*c*) The Council may confirm, alter or reserve the decision of the Commission and the decision of the Council shall be final. Notification of the Council's decision shall be furnished to the Commission, the WHO and to all of the Parties by the Secretary-General.

" (*d*) During pendency of the review the original decision of the Commission shall remain in effect."

[E/CONF.34/C.6/L.7]
[*24 February 1961*]
[*Original: English*]

Suggestion by the Secretariat

Article 3

In accordance with the request of the Drafting Committee, the following changes to the re-draft of article 3 (E/CONF.34/C.6/L.2) are suggested in order to bring together all the provisions on notification of decisions of the Commission and on the time when such decisions become effective:

1. In paragraph 3 (ii), delete the second sentence and replace by the following:

" The Parties shall apply such measures provisionally to the substance in question."

2. In paragraph 3 (iii), insert a full-stop after the words " as the case may be ", and delete the rest of the sentence.

3. Add a new paragraph 7 reading as follows:

" 7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention."

4. Re-number paragraph 7 as paragraph 8.

5. Delete paragraph 8.

[E/CONF.34/L.3]
[*2 February 1961*]
[*Original: English*]

Canada and the United States of America: proposed new paragraph

The following paragraph is proposed for insertion in the Single Convention. It is suggested that an appropriate place for it might be article 4.

" Notwithstanding anything contained in this Convention, a Party shall not be, or be deemed to be, precluded from adopting measures of control more strict or severe than those provided by this Convention and in particular from requiring that Preparations in Schedule III or drugs in Schedule II be subject to all or such of the measures of control applicable to drugs in Schedule I as in its opinion is necessary or desirable for the protection of the public health or welfare."

[E/CONF.34/C.11/L.2]
[*1 March 1961*]
[*Original: English*]

United Kingdom: amendment to article 10

Replace paragraph 1 by the following:

" 1. Subject to the special procedure provided in article 3, paragraph 7, of this Convention, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendations of the Commission."

[E/CONF.34/L.6]
[*17 February 1961*]
[*Original: French*]

Turkey: amendment to article 11

1. Delete sub-paragraph (*b*) (iii).

2. At the end of paragraph (*j*), after the word "direct", add the words " in the field of narcotic drugs ".

3. Add a paragraph (*k*) reading:

" may establish, by a simple majority of the members present and voting, a committee chosen from among its members for the purpose of studying a question with which it is concerned or of preparing a preliminary draft report for submission to it with a view to adoption."

[E/CONF.34/L.10]
[*23 February 1961*]
[*Original: English*]

Afghanistan, Brazil, Denmark, United States of America: amendment to articles 12 and 24

Combine articles 12 and 24 in one article and re-draft as follows:

" The secretariat services of the Commission and of the Board shall be those furnished by the Secretary-General of the United Nations."

[E/CONF.34/L.7]
[*17 February 1961*]
[*Original: English/French*]

India and Turkey: amendment to article 13

Amend paragraph 4 to read:

" The Council in the election of the seven members of the Board mentioned in paragraph 1 (*b*) of this article shall take into consideration that this Board must include three representatives of producing countries, three representatives of manufacturing countries and one representative of consuming countries possessing knowledge of the world-wide situation of narcotics. In the election of the above-mentioned members of the Board consideration shall be given as far as possible to equitable geographical representation."

[E/CONF.34/L.12]
[*23 February 1961*]
[*Original: English*]

Afghanistan: amendments to articles 13 and 14

Article 13

1. In paragraph 1, replace the word " nine " by the word " thirteen ".

2. In paragraph 1 (*a*), replace the word " three " by the word " five ".

3. In paragraph 1 (*b*), replace the word " seven " by the word " ten ".

4. In paragraph 4 after the word " Council ", insert the words, " bearing in mind the principles of geographical distribution".

Article 14

1. In paragraph 1, replace the word " five " by the word " four ".

2. In paragraph 3 (*a*), replace the word " four " by the word " three ".

[E/CONF.34/C.11/L.4]
[*3 March 1961*]
[*Original: English*]

India: amendment to article 14

1. Delete paragraph 3 and replace by the following:

" A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned."

2. Amend paragraph 5 to read:

" Where a vacancy occurs on the Board during the term of office of a member of the Board, the Council shall, as soon as possible, and in accordance with the provisions of article 13, fill such vacancy by electing another member."

[E/CONF.34/C.11/L.1]
[*1 March 1961*]
[*Original: Russian*]

Poland: amendment to article 16

Add the following two paragraphs:

" 3. The quorum necessary for the validity of the decisions taken at meetings of the Board shall consist of six members of the Board." [3]

" 4. Decisions on questions connected with the fulfilment of the functions of the Board specified in article 19, paragraphs (*c*), (*d*), (*e*), (*f*) and (*g*) of this Convention shall be taken by a two-thirds majority of all the members of the Board."

[E/CONF.34/C.11/L.3]
[*3 March 1961*]
[*Original: English*]

India: amendments to article 19

1. After the opening words " The Board shall ", add the words " in accordance with the provisions of this Convention: "

2. Amend paragraph (*c*) to read: " administer the system of control over manufacture and imports (Article 29)."

3. In paragraph (*d*) delete the words " in accordance with the provisions of this Convention ".

4. In paragraph (*f*), after the words " Council ", insert the words, " the Commission ".

[E/CONF.34/L.23]
[*9 March 1961*]
[*Original: Russian*]

Union of Soviet Socialist Republics: amendment to article 20

Replace paragraph 3 by the following:

" 3. If a Party, or any State not a Party to the Convention, to which the Board has addressed under paragraph 2 a request to furnish estimates, fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates for such Party; for a State,

[3] This figure shall be correspondingly increased if the Conference decides to increase the membership of the Board, as proposed in Afghanistan's amendment to article 13 (E/CN.7/AC.3/9).

not a Party to the Convention, which furnishes such estimates to the PCOB or the DSB; and for any other State, not a Party to the Convention, which furnishes estimates in response to a request addressed to it by the Board under paragraph 2."

[E/CONF.34/C.9/L.1]
[*21 February 1961*]
[*Original: English*]

India: amendments to articles 21, 26, 27 and 28

1. *Article 21*

At the end of paragraph 4, add the words " and the provisions of article 22 shall not be applicable to the matter dealt with in this article except in cases when the Board may find that illicit international transactions are taking place on an appreciable scale."

2. *Article 26*

Delete paragraph 1 (*c*) and replace by the following: " Particulars of each case of illicit traffic discovered which may be of importance either because of the light thrown on the sources from which drugs are obtained for the illicit traffic or because of quantities involved or the method employed by illicit traffickers."

3. *Article 27*

At the end of paragraph 1 (*a*), add the words " other than cannabis and coca leaf."

4. *Article 27*

(i) In sub-paragraph 2 (*a*) (*i*), replace the date " 31 March " by " 31 May " and insert the letter " (*g*) " between " (*d*) " and " and ".

(ii) Delete sub-paragraph 2 (*a*) (ii).

(iii) In paragraph 3, put a full-stop after the words " intended for government purposes " and delete the rest of the paragraph.

5. *Article 28*

In paragraph 1 (*a*), after the words " production of drugs " insert the words " other than cannabis and coca leaf ".

[E/CONF.34/C.10/L.1]
[*17 February 1961*]
[*Original: English*]

Greece: amendment to article 22

At the end of the paragraph 3 (*b*), delete the full-stop, replace by a comma, and add the following:

" ... which must take the proper steps to secure the supply of the indispensable narcotic drugs for the treatment of the sick during the period of the embargo."

[E/CONF.34/C.10/L.2]
[*21 February 1961*]
[*Original: English*]

India: amendments to article 22

1. Delete paragraph 1 (*b*) and replace by the following:

" If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the Convention are accumulating in any country, or that there is a danger of that country becoming the centre of illicit traffic, or if it has reason to believe that the provisions of this Convention are not substantially being carried out in any country or territory, the Board shall have the right to ask for an explanation from the Government concerned."

2. In paragraph 1 (*c*), delete the words "or to a gravely unsatisfactory drug situation ".

3. In paragraph 2 (*a*), after the words " and of ", insert the words " the Commission and ".

4. In paragraph 2 (*b*), after the words " public declaration", insert the words " after obtaining the sanction of the Commission ", and amend the last sentence to read: " If the Board makes such a declaration it shall publish the views of the Government concerned unless the latter makes a specific request to the contrary."

5. In paragraph 3 (*b*), after the words " illicit traffic, it may ", insert the words " after obtaining the sanction of the Commission".

6. In paragraph 5, amend the last sentence to read: " The parties undertake to the extent possible to permit their unrestricted distribution within the territory under their control."

7. In paragraph 6, amend the second part of the first sentence to read: " , it shall publish the views of the Government concerned unless the latter makes a specific request to the contrary. "

8. In paragraph 8, add at the end the words, " subject to the condition that not less than five members vote in favour ".

[E/CONF.34/C.10/L.3]
[*27 February 1961*]
[*Original: English*]

United Kingdom: re-draft of article 22

Paragraphs 1 (*e*), 3 and 4 have been deleted in plenary; the following re-draft is an attempt to simplify the remaining provisions of the article:

" 1. (*a*) If, on the basis of its examination of the estimates and statistics furnished under articles 27

and 28, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a country or territory to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties and of the Council to the matter referred to in sub-paragraph (*c*) below, it shall treat as confidential a request for information or an explanation by a government under this sub-paragraph.

" (*b*) After taking action under sub-paragraph (*a*) above, the Board, if statisfied that it is necessary to do so, may call upon the government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

" (*c*) If the Board finds that the government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (*a*) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (*b*) above, it may call the attention of the Parties and of the Council to the matter.

" 2. The Board, when calling the attention of the Parties and of the Council to a matter in accordance with paragraph 1 (*c*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

" 3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties.

" 4. If in any case the decision of the Board under sub-paragraph 1 (*c*) of this article is not unanimous, the views of the minority shall be stated.

" 5. Decisions of the Board under this article shall be taken by a majority of the whole number of the Board."

[E/CONF.34/L.16]
[*27 February 1961*]
[*Original: English/French*]

France and India: amendment to article 24

Replace article 24 by the following:

" The Secretariat of the Board shall be provided by the Secretary-General.

" It is appointed by the Secretary-General after consultation with the Board and is responsible solely to the Board while serving it in technical matters."

[E/CONF.34/C.4/L.4]
[*17 February 1961*]
[*Original: English*]

United Kingdom: amendment to articles 25 and 44

Combine article 25 and paragraph 2 of article 44 in the articles and re-draft as follows:

" 1. Each Party shall maintain a special administration for the purpose of applying the provisions of this Convention, and shall facilitate direct communication between this administration and the special administrations of other countries.

" 2. The Parties shall co-operate closely with each other and with the competent international organizations with a view to maintaining a co-ordinated campaign against the illicit traffic.

" 3. The Parties shall make arrangements at the national level for co-ordination of preventive action against the illicit traffic."

The most suitable position in the Convention for the new article could be suggested in due course by the Drafting Committee.

[E/CONF.34/C.4/L.4/Rev.1]
[*24 February 1961*]
[*Original: English*]

United Kingdom: amendment to articles 25 and 44

Combine articles 25 and 44 in one article and redraft as follows:

" 1. Each Party shall maintain a special administration for the purpose of applying the provisions of this Convention, and shall facilitate direct communication between this administration and the special administrations of other countries.

" 2. The Parties shall co-operate closely with each other and with the competent international organizations with a view to maintaining a co-ordinated campaign against the illicit traffic.

" 3. The Parties shall make arrangements at the national level for co-ordination of preventive action against the illicit traffic."

The most suitable position in the Convention for the new article could be suggested in due course by the Drafting Committee.

[E/CONF.34/C.4/L.5]
[*7 March 1961*]
[*Original: English/French*]

Brazil, India and Iran: amendment to the amendment to articles 25 and 44 submitted by the United Kingdom (E/CONF.34/C.4/L.4/Rev.1)

To paragraph 2 of the amendment submitted by the United Kingdom add the following:

" After co-ordination at national level, international co-operation between enforcement agencies must be conducted in the most expeditious manner."

[E/CONF.34/C.4/L.6]
[*9 March 1961*]
[*Original: English*]

India: amendment to the amendment to articles 25 and 44 submitted by the United Kingdom (E/CONF.34/C.4/L.4/Rev.1)

At the beginning of paragraph 1, insert the words: " Having due regard to its constitutional, legal and administrative systems ".

[E/CONF.34/C.13/L.1/Rev.1*]
[*15 March 1961*]
[*Original: French*]

France: suggested new text to replace articles 25 and 44

1. The Parties shall assist each other in the campaign against the illicit traffic in narcotic drugs, having due regard to their constitutional, legal and administrative systems.

2. (*a*) The Parties shall maintain a special administration for the purpose of applying the provisions of this Convention.

(*b*) The Parties shall co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic.

3. (*a*) The Parties shall make arrangements at the national level for co-ordination of repressive action against the illicit traffic. To this end they may usefully designate an enforcement agency responsible for such co-ordination.

(*b*) International co-operation between the enforcement agencies must be conducted in the most expeditious manner.

4. Where prosecution requires the international transmittal of legal papers, such transmittal shall be effected in the most expeditious manner to the bodies designated by the Parties.

---

* The first English version of this proposal was withdrawn.

[E/CONF.34/L.22]
[*8 March 1961*]
[*Original: English*]

India: amendments to article 27

1. Re-number paragraph 1 as paragraph 1 (*i*).

2. Delete paragraph 1 (*a*).

3. Re-number paragraphs 1 (*b*) to 1 (*g*) as paragraphs 1 (*a*) to 1 (*f*) respectively.

4. After the present paragraph 1 (*g*), add a paragraph 1 (ii) reading:

" (ii) In addition to the matters referred to in paragraph 1 (i) of this article the Parties shall as far as possible also furnish to the Board for each of their territories information in respect of areas (in hectares) cultivated for the production of opium."

[E/CONF.34/C.5/L.1]
[*8 February 1961*]
[*Original: English*]

United States of America: amendment to article 31

Add the following paragraph at the beginning of the article:

" 1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the opium poppy the most suitable measure, in its opinion, for preventing the diversion of drugs into the illicit traffic the Party concerned shall use its best endeavours to prohibit such cultivation."

[E/CONF.34/C.5/L.3]
[*9 February 1961*]
[*Original: English*]

India: amendment to article 31

In paragraph 1, delete the words " for the production of opium or poppy straw ".

[E/CONF.34/L.2]
[*1 February 1961*]
[*Original: English*]

Turkey: amendment to article 32

At the end of paragraph 1 (*a*), after the words " . . . and Yugoslavia.", add the following:

" If any one of the States, which was formerly included in the List but has ceased to be a producer desires to enter the List again, it will automatically be considered on the List once it has applied to the

Commission in writing. If the number of producing countries, which are mentioned above is less than two, the Commission will elect, by two-thirds majority of those present and voting, from among the applicant Parties, taking into consideration the production and world requirements for medical and scientific purposes. All the Parties to the Convention will be notified by the Commission of such changes."

[E/CONF.34/C.5/L.2]
[*9 February 1961*]
[*Original: English*]

Canada, France, India, United Kingdom and United States of America: amendment to article 32

With a view to making article 32 more acceptable in the spirit of co-operating as much as possible with some of the practical problems mentioned at this Conference, it is suggested that article 32 be amended as follows:

1. At the end of paragraph 1 (*a*) replace the full-stop by a semicolon and add the following:

" provided that any Party to this Convention may continue to import opium from any area which was a direct source of licit supply of opium for that Party at any time during the three years immediately preceding 1 January 1961."

2. Replace paragraph 1 (*b*) by the following:

" (*b*) If the number of States named in paragraph 1 (*a*) which are exporting opium falls below two, or if the States named are considered by the General Assembly not to be meeting the legitimate medical and scientific needs for opium, the General Assembly of the United Nations may add to the list in paragraph 1 (*a*) the names of other States Parties to this Convention."

3. Add a new paragraph 1 (*c*) reading as follows:

" (*c*) Subject to the provisions of paragraph 1 (*a*) above, the Parties shall not permit the import of opium from any country or territory other than States Parties to this Convention."

[E/CONF.34/C.5/L.4]
[*13 February 1961*]
[*Original: Russian*]

Poland: amendment to article 32

Replace article 32 by the following:

" *Limitation of opium production*

" 1. Any Party deciding to initiate the production of opium or to increase the existing production thereof in quantities which exceed its legitimate requirements and which are sufficient for export, shall take account of the prevailing world demand for opium so as to ensure that the production of opium in its territory does not result in over-production of opium in the world as a whole.

" 2. No Party shall initiate the production of opium or increase the existing production thereof, as indicated in paragraph 1 above, if in its opinion the cultivation of the opium poppy in its territory might result in the diversion to the illicit traffic of opium or of the alkaloids manufactured therefrom."

[E/CONF.34/C.5/L.5]
[*17 February 1961*]
[*Original: English*]

United Kingdom: amendment to article 32

On the assumption that paragraph 1 (*a*) will in some way restrict the export of opium to countries which have been accustomed to export opium in recent years, the following addition to this article is proposed:

" Nothing in sub-paragraph (*a*) shall prevent a Party exporting opium confiscated by that Party in combating the illicit traffic."

[E/CONF.34/C.5/L.6]
[*14 March 1961*]
[*Original: English*]

Australia, Brazil, Canada, Netherlands, Philippines: re-draft of article 32

" *Limitation on production of opium for international trade*

" 1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimate thereof published by the Board so that the production of opium by such Party does not result in over-production of opium in the world.

" (*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

2. (*a*) Subject to paragraph 1, a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding 5 tons annually it shall notify the Board, furnishing with such notification information regarding:

" (i) the controls in force as required by this Convention respecting the opium to be produced and exported; and

" (ii) the name of the country or countries to which it expects to export such opium;

and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export.

" (*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce for export opium in amounts exceeding 5 tons annually, it shall notify the (G.A.) Council, furnishing with such notification relevant information including:

" (i) the estimated amounts to be produced for export;

" (ii) the controls existing or proposed respecting the opium to be produced;

" (iii) the name of the country or countries to which it expects to export such opium;

and the (G.A.) Council shall either approve the notification or may recommend to the Party that it not engage in the production of opium for export.

" 3. Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of paragraph 2, a Party that during the ten years immediately prior to the first day of January 1961 exported opium which such country produced may continue to export opium which it produces.

" 4. (*a*) A Party shall not import opium from any country or territory except opium produced in the territory of:

" (i) a Party referred to in paragraph 3;

" (ii) a Party which has received the approval of the Board as provided in sub-paragraph (*a*) of paragraph 2; or

" (iii) a Party that has received the approval of the Council as provided in sub-paragraph (*b*) of paragraph 2.

" (*b*) Norwithstanding sub-paragraph (*a*) of this paragraph, a Party may import opium produced by any country which produced and exported opium during the ten (five) years prior to 1 January 1961 for export and such country has established and maintains a national control organ or agency for the purposes set out in article 31 and has in force an effective means of ensuring that the opium it produces is not diverted into illicit traffic.

5. The provisions of this article do not prevent a Party:

" (i) from producing opium sufficient for its own requirements; or

" (ii) which seizes opium in the illicit traffic from exporting, in accordance with the requirements of this Convention, such opium to another Party."

[E/CONF.34/C.5/L.7/Rev.1]
[*17 March 1961*]
[*Original: English*]

India: re-draft of article 33

" *Limitation of stocks*

" 1. The Parties shall regulate the production, import and export of opium and of poppy straw for the manufacture of drugs in such a way as to ensure that the total stocks of such opium and of poppy straw for the manufacture of drugs held or allowed to be held in the territories of all the Parties together does not exceed at any time the total requirements of these substances for medical and scientific purposes as determined by the Board, for a period of two (three) years.

" 2. Without prejudice to the provisions of paragraph 1, no Party shall at any time hold or maintain or allow to be held or maintained, in its territory, any stocks of opium and of poppy straw for the manufacture of drugs, so as to exceed at any time its total requirements of these substances, whether for the purposes of consumption, manufacture or export, for a period of three years.

" 3. Provisions of this article shall not apply to special stocks."

[E/CONF.34/C.7/L.1]
[*7 February 1961*]
[*Original: English*]

United States of America: amendment to articles 36 and 37

Replace articles 36 and 37 by the following:

" 1. Parties shall control the cultivation of the coca bush with a view to limiting the production of coca leaves exclusively to medical, scientific and other legitimate purposes (article 38) permitted under this convention.

" 2. The General Assembly, after consultation with Bolivia, Colombia, Indonesia and Peru, may adopt regulations for such control. These regulations shall be binding upon each Party which does not reject them by a notification addressed to the Secretary-General within a year from the date of their adoption by the General Assembly. The rejection may be withdrawn at any time by a notification addressed to the Secretary-General and the regulations shall thereupon become binding upon the party concerned, but not before the end of the year mentioned above."

[E/CONF.34/C.7/L.2]
[*8 February 1961*]
[*Original: English*]

United States of America: amendments to articles 37 and 38

1. *Article 37, paragraph 1 (a)*

Delete the colon and add: " or to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931 ".

2. *Article 38, paragraph 2*

Replace the full-stop by a comma and add: " except to the extent that the same coca leaves are used for the extraction of medicinal alkaloids and the flavouring agent, and so explained in the statistical information and estimates ".

[E/CONF.34/C.8/L.1]
[*13 February 1961*]
[*Original: English*]

Canada and United Kingdom: amendment to article 39

On the assumption that articles 2 and 3 are adopted as recommended by the *ad hoc* Committee, the following text is proposed as a new article 39:

" 1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 31 respecting the control of the opium poppy.

" 2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed)."

The foregoing proposal is based on the assumption that cannabis and cannabis resin are included in Schedule IV and that the definition of cannabis does not include the leaves of the plant.

[E/CONF.34/C.4/L.1]
[*6 February 1961*]
[*Original: English*]

India: amendments to articles 40, 41 and 42

1. *Article 40*

Replace paragraph 2 (*a*) by the following: " Require all persons engaged in the manufacture of drugs to obtain a licence for their manufacture ".

2. *Article 41*

(i) Replace sub-paragraph 1 (*f*) (i) by the following: " Require all persons engaged in trade in or distribution of drugs to obtain a licence for the trade in or distribution of drugs."

(ii) In sub-paragraph 1 (*b*) (ii), delete the words: " provided, however, that the requirements of licensing need not apply to preparations ".

(iii) In paragraph 7, replace the words " The provisions of paragraphs 1 to 5 shall " by the following: " the provisions other than in paragraph 1 (*a*), 1 (*b*), and 3 and 6 *may* ".

3. *Article 42*

In paragraph 1, insert the following at some appropriate point:

" The Parties shall not permit the import of drugs from any country or territory to which at the time of import in question this Convention does not apply."

[E/CONF.34/C.4/L.2]
[*10 February 1961*]
[*Original: English*]

Union of Soviet Socialist Republics: amendment to article 42

1. Replace paragraph 1 by the following:

" 1. The Parties shall not knowingly permit the export of drugs to any country or territory except in accordance with the laws and regulations of that country or territory."

2. Include in the report of the *ad hoc* Committee on articles 30 and 40-43 a sentence reading:

" The Committee decided that the provision contained in article 42, paragraph 1 (*b*), should be considered by the *ad hoc* Committee on articles 4, 20-21, and 26-29."

[E/CONF.34/C.4/L.3]
[*10 February 1961*]
[*Original: English*]

India: amendment to Indian amendment (E/CONF.34/C.4/L.1) to article 42

Replace paragraph 1 by one of the following three alternatives.

" (i) The Parties shall not permit the import or export of drugs from any country or territory to which at the time of import or export in question this Convention does not apply, provided that such country or territory being eligible to accede to this Convention, after it has been opened for signature, has failed to do so by the 31 December 1963."

or

" (ii) The Parties shall not permit the import or export of drugs from any country or territory to which at the time of import or export in question this Convention does not apply, provided that such country or territory being eligible to accede to this Convention, in the manner provided in Article 48, has failed to do so by the 31 December 1963."

or

" (iii) The Parties shall not permit the import or export of drugs from any country or territory to which at the time of import or export in question this Convention does not apply, provided that such country or territory being eligible to accede to this Convention, after it has come into force, has failed to do so before the expiry of two years from that date."

Explanatory Notes

1. The object of this amendment is to ensure that the proposed ban on trading in drugs between countries Parties to the Convention and non-parties would not extend to those countries who are *ipso facto* ineligible from becoming parties.

2. The time limit provided seeks to ensure that the *status quo* is not immediately disturbed and current trading patterns continue until Governments who are eligible to become Parties have had ample opportunity to examine the new Convention and to accept it. Whether the time limit should or could be further extended is an open question, and any reasonable period would be acceptable to the Indian delegation.

3. If the principle, as such, is found acceptable, the question of improving the draft might, it is suggested, be left to the Drafting Committee.

[E/CONF.34/L.26]
[*10 March 1961*]
[*Original: French*]

Switzerland: amendment to article 42 of the re-draft of the Single Convention (E/CONF.34/15)

Replace the words " over drugs in transit " by the words " in its national territory ".

[E/CONF.34/C.4/L.7]
[*14 March 1961*]
[*Original: English*]

Netherlands: amendment to article 42

At the end of paragraph 1 (*b*), add the following:

" With the addition of the amounts intended to be re-exported."

[E/CONF.34/C.12/L.4]
[*9 March 1961*]
[*Original: French*]

Switzerland: amendment to article 44

Replace paragraph 1 by the following:

" 1. The authorities of the Contracting Parties shall assist each other in the campaign against the illicit traffic in narcotic drugs. If a Party asks that requests to it for judicial assistance should be submitted by letters rogatory, it may designate [a body/a national central office] to receive them and transmit them to the competent authorities."

[E/CONF.34/C.12/L.4/Rev.1]
[*10 March 1961*]
[*Original: English*]

Switzerland: amendment to article 44

Replace paragraph 1 by the following:

" 1. The Parties shall assist each other in the campaign against the illicit traffic in narcotic drugs. In cases where a party does not allow the furnishing of evidence to another country except in response to letters rogatory, it may designate [a body/a national central office] to receive such letters and transmit them to the competent authorities."

[E/CONF.34/C.12/L.5]
[*10 March 1961*]
[*Original: English*]

Turkey: amendment to article 44

In paragraph 2, delete the words " the Parties may usefully " and replace by the words: " The Parties shall: ".

[E/CONF.34/C.12/L.7]
[*15 March 1961*]
[*Original: English*]

Re-draft of article 45 by the ad hoc Committee on articles 44-46

" 1. Subject to their constitutional limitations, the Parties shall adopt such measures as will ensure that:

" Cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs or any other action which, in the opinion of the Parties is contrary to the provisions of this Convention:

shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

" 2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

" (*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

" (ii) Intentional participation in, conspiracy to commit and attempts to commit any of such offences, preparatory acts and financial operations in connexion therewith shall be punishable offences as provided in paragraph 1; [4]

" (iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism;

[4] The Committee decided by 18 votes to 2, with 3 abstentions, that some such phrase as " and the financial operations concerned with the acts herein mentioned " should be inserted in the Article. It further decided by 12 votes to 11, with 3 abstentions, that this new phrase should be inserted somewhere in paragraph 2 rather than in paragraph 1, the exact position being left to the Drafting Committee.

" (iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been convicted and punished.

" (*b*) It is desirable that the serious offences referred to in paragraph 1 and sub-paragraph (ii) of paragraph (*a*) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties and shall as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

" 3. Nothing contained in this article shall be prejudicial to the provisions of the criminal law of a Contracting Party on points of jurisdiction.

" 4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party."

[E/CONF.34/L.19]
[*6 March 1961*]
[*Original: English*]

India: amendments to article 45

1. Insert the following as paragraph 1 and re-number subsequent paragraphs accordingly:

1. " Provisions contained in this article shall be subject to constitutional limitations of the Parties and within the framework of their existing legal systems and criminal jurisdiction."

2. In paragraph 1, delete the words " subject to their constitutional limitations ".

3. In paragraph 1 (*c*), delete the words " to the extent permitted by domestic law ".

4. At the end of paragraph 1, add the following:

" Whoever causes an offence punishable under this article to be committed shall be punished with punishment provided for the offence."

5. In paragraph 2, delete the words " within the framework of their existing legal systems and criminal jurisdiction and subject to their constitutional limitations ".

6. In paragraph 3, delete the words " to the extent permitted by domestic law and subject to constitutional limitation ".

7. Delete paragraphs 4 and 5.

[E/CONF.34/L.13]
[*24 February 1961*]
[*Original: Spanish*]

Chile: amendment to article 45

Replace paragraph 4 by the following:

" 4. Nothing contained in this article shall be prejudicial to the provisions of the criminal law of a Contracting Party on points of juridiction."

[E/CONF.34/L.5]
[*16 February 1961*]
[*Original: English*]

Netherlands: amendment to article 45

Replace article 45 by the following:

" 1. In fulfilment of the obligation specified in article 4, paragraph 2 (*c*), the Parties shall, in particular,

"(*a*) make the following offences punishable and and liable to adequate penalties:

" (i) cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention;

" (ii) any uncompleted form of the offences referred to under (i) of this sub-paragraph and any form of participation therein to the extent of which those forms are liable to penalization under their existing penal systems;

" (*b*) render each other, within the framework of the existing treaties or practice, mutual assistance in the widest sense to enable the most appropriate Party to try the offences specified in sub-paragraph (*a*);

" (*c*) insert as extradition crimes in extradition treaties to be concluded between the Parties serious offences penalized under sub-paragraph (*a*). These offences shall be deemed to be included in the extradition treaties existing between the Parties. Between Parties which do not make extradition conditional on the existence of a treaty, these offences shall be recognized as extradition crimes;

" (*d*) as far as this is consistent with their existing penal systems, make provisions enabling the exercise of criminal jurisdiction with regard to serious offences as specified in sub-paragraph (*c*), committed outside

their territory, as far extradition for those offences is not possible or does not take place.

" 2. Nothing contained in this article shall affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law."

[E/CONF.34/L.5/Rev.1]
[*3 March 1961*]
[*Original: English*]

Netherlands: revised amendment to article 45

Replace article 45 by the following:

" 1. The Parties shall fight the illicit traffic and provide for effective penal sanctions to ensure the observance of laws and regulations enacted in pursuance of this Convention.

" 2. In fulfilment of the obligation specified in paragraph 1, the Parties shall, in particular,

" (*a*) make the following offences punishable and liable to adequate penalties:

" (i) cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention;

" (ii) any uncompleted form of the offences referred to under (i) of this sub-paragraph and any form of participation therein to the extent of which those forms are liable to penalization under their existing penal systems;

" (*b*) render each other, within the framework of the existing treaties or practice, mutual assistance in the widest sense to enable the most appropriate Party to try the offences specified in sub-paragraph (*a*);

" (*c*) insert as extradition crimes in extradition treaties to be concluded between the Parties serious offences penalized under sub-paragraph (*a*). These offences shall be deemed to be included in the extradition treaties existing between the Parties. Between Parties which do not make extradition conditional on the existence of a treaty, these offences shall be recognized as extradition crimes;

" (*d*) as far as this is consistent with their existing penal systems, make provisions enabling the exercise of criminal jurisdiction with regard to serious offences as specified in sub-paragraph (*c*). committed outside their territory, as far as extradition for those offences is not possible or does not take place.

" 3. Nothing contained in this article shall affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law."

[E/CONF.34/C.12/L.8]
[*7 March 1961*]
[*Original: English*]

Canada: re-draft of article 45

" 1. Subject to their constitutional limitations, the Parties undertake to adopt such measures as will ensure that:

" Cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention:

shall be punishable offences, and that serious offences shall be liable to severe punishment particularly by imprisonment or other penalties of deprivation of liberty.

" 2. Subject to their constitutional limitations, within the framework of their existing legal systems and to the extent provided by domestic law, the Parties shall adopt such measures as will ensure that

" (*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

" (ii) Intentional participation in, conspiracy to commit, and attempts to commit any of such offences and preparatory acts in connexion therewith shall be punishable offences as provided in paragraph 1;

" (iii) Foreign convictions for such shall be taken into account for the purpose establishing recidivism; and

" (iv) Serious offences committed abroad either by nationals or by foreigners shall be prosecuted by the Party in which the offender is found if such offender has not already been convicted and punished.

"(*b*) The offences referred to in paragraph 1 and sub-paragraph (ii) of paragraph (*a*) shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties and shall as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

" 3. Nothing in this article shall be prejudicial to the provisions of the criminal law of a Party on questions of jurisdiction.

" 4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party. "

[E/CONF.34/C.12/L.1/Rev.1]
[*13 March 1961*]
[*Original: English*]

Canada: revised re-draft of article 45

" 1. Subject to their constitutional limitations, the Parties undertake to adopt such measures as will ensure that:

" Cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention:

shall be punishable offences, and that serious offences shall be liable to adequate severe punishment particularly by imprisonment or other penalties of deprivation of liberty.

" 2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

" (*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

" (ii) Intentional participation in, conspiracy to commit, and attempts to commit any of such offences, preparatory acts and financial operations in connexion therewith shall be punishable offences as provided in paragraph 1;

" (iii) Foreign convictions for such offences shall be taken into account for the purpose establishing recidivism; and

" (iv) Serious offences heretofore referred to if committed abroad either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offender is found if such offender has not already been convicted and punished.

" (*b*) The offences referred to in paragraph 1 and sub-paragraph (ii) of paragraph (*a*) shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties and shall as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

" 3. Nothing in this article shall be prejudicial to the provisions of the criminal law of a Party on questions of jurisdiction.

" 4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party."

[E/CONF.34/C.12/L.2]
[*7 March 1961*]
[*Original: English/French*]

Brazil, India and Iran: amendment to article 45

Add a new paragraph reading:

" Where, under the rules of criminal procedure, prosecution requires the international transmittal of legal papers, such transmittal shall be effected in the most expeditious manner to the bodies designated by the Parties."

[E/CONF.34/C.12/L.3]
[*7 March 1961*]
[*Original: English/French*]

Brazil and Iran: amendment to article 45

In paragraph 1, add a new sub-paragraph reading:

" (*d*) Financial operations concerned with the acts mentioned under (*a*), (*b*) and (*c*) above."

[E/CONF.34/C.12/L.3/Rev.1]
[*8 March 1961*]
[*Original: English*]

Brazil and Iran: amendment to article 45

At the end of paragraph 1 (*a*), add the words:

" and the financial operations concerned with the acts herein mentioned."

[E/CONF.34/C.12/L.6]
[*14 March 1961*]
[*Original: English*]

United Arab Republic: amendment to the Canadian revised re-draft of article 45 (E/CONF.34/C.12/L.1/Rev.1)

Amend sub-paragraph 2 (*a*) (iv) to read:

" Serious offences heretofore referred to if committed abroad either by nationals or by foreigners shall be prosecuted by the Party in whose territory the

offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been convicted and punished."

[E/CONF.34/L.9]
[*21 February 1961*]
[*Original: English*]

Byelorussian Soviet Socialist Republic, Czechoslovakia and Indonesia: amendment to article 47

At the beginning of the article, insert the following new paragraph and re-number the existing paragraphs 1 and 2 accordingly:

" 1. The Parties consider that the most important prerequisite for the prevention and eradication of drug addiction is the consistent application by States of measures aimed at improving the economic and social well-being of the people, raising its cultural level and providing medical services that are available to all segments of the population. "

[E/CONF.34/L.17]
[*28 February 1961*]
[*Original: Spanish*]

Chile: amendment to article 48

Replace paragraph 2 by the following:

" 2. Any such States may:

" (*a*) Sign without reservation as to acceptance or ratification;

" (*b*) Sign subject to acceptance or ratification, and accept or ratify subsequently; or

" (*c*) Accept or ratify."

[E/CONF.34/L.35]
[*20 March 1961*]
[*Original: Spanish*]

Mexico: re-draft of article 48 [5]

" *Languages of the Convention and Procedure for Signature, Ratification and Accession*

" 1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 1 August by all States Members of the United Nations and by all the States invited to participate in the Conference held at United Nations Headquarters from 24 January to ... March 1961.

" 2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

" 3. This Convention shall be open for accession by all the States mentioned in paragraph 1 and by any other State which the General Assembly may invite to become a Party. The instruments of accession shall be deposited with the Secretary-General of the United Nations."

[E/CONF.34/L.20]
[*8 March 1961*]
[*Original: Russian*]

Union of Soviet Socialist Republics: amendment to article 49

Replace article 49 by the following:

" 1. This Convention shall come into force on the thirtieth day following the date on which the fiftieth instrument of ratification of accession is deposited with the Secretariat of the United Nations in accordance with article 48, provided that the States depositing the said instruments shall include:

" (*a*) three States in each of which the output of opium has been not less than ten tons in any year since 1 January 1958;

" (*b*) two States in each of which the output of coca leaf has been not less than two tons in any year since 1 January 1958;

" (*c*) fifteen States in each of which the output of morphine or of alkaloids manufactured from morphine has been not less than one ton in any year since 1 January 1958.

" 2. In respect of any other State depositing an instrument of accession or ratification after the date on which the requirements laid down in paragraph 1 for the entry into force of the Convention have been fulfilled, this Convention shall come into force on the thirtieth day after the deposit by the State of its instrument of accession or ratification. "

[E/CONF.34/L.30]
[*17 March 1961*]
[*Original: English*]

Netherlands: re-draft of article 50

" 1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international

[5] The purpose of this amendment is to avoid the use of terminology which may be very modern, but which lends itself to differing interpretations. The word " acceptance ", for instance, is ambiguous since it is intended to include both ratification and accession. These are in fact two juridically distinct acts which are to be clearly distinguished.

relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

" 2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General and shall take effect as from the thirtieth day after the day of receipt by the Secretary-General of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

" 3. With respect to those territories to which the Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Government of such territories.

" 4. Any State which has made a declaration or notification under this article may, after the expiry of two years from the date of the coming into force of this Convention for the territory concerned or at any time thereafter and by notification addressed to the Secretary-General, declare that this Convention shall cease to extend to the territory concerned. Such a declaration if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year."

[E/CONF.34/L.36]
[*20 March 1961*]
[*Original: English*]

Netherlands: proposed new article 50 bis

Add the following new article after article 50:

" Article 50 *bis.— Territories for the purposes of articles 27, 28, 29 and 42*

" 1. Any Party may notify the Secretary-General that, for the purpose of articles 27, 28, 29 and 42, one of its territories (as defined in article 1 (*bb*)) is divided into two or more territories, or that two or more of its territories are consolidated into a single territory.

" 2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a single territory for the purposes of articles 27, 28, 29 and 42.

" 3. Any notification under paragraphs 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made."

[E/CONF.34/L.29]
[*15 March 1961*]
[*Original: English*]

Canada and United Kingdom: amendment to article 54

Replace article 54 by the following;

" 1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

" (*a*) that a conference shall be called in accordance with article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or

" (*b*) that the Parties shall be asked whether they accept the proposed amendment and to submit to the Council any comments on the proposal.

" 2. If a proposed amendment circulated under paragraph 1 (*b*) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

" 3. If the Council decides that a conference shall be called to consider a proposed amendment, the Secretary-General shall invite to the conference the Parties, such States other than Parties which have been invited to attend the conference referred to in article 48, and any States whose participation would in the opinion of the Council be desirable.

" 4. The provisions of this article shall not apply to the amendment of the Schedules in accordance with article 3, or of the list of items in respect of which Parties are required to furnish statistics and estimates in accordance with article ..... "

[E/CONF.34/L.21]
[*8 March 1961*]
[*Original: Russian*]

Union of Soviet Socialist Republics: amendment to article 55

Replace article 55 by the following:

" 1. If there should arise between two or more Parties a dispute of any kind relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, judicial examination or other peaceful means of their own choice.

" 2. Any such dispute which cannot be settled in the manner prescribed shall, with the consent in each case

of all parties to the dispute, be referred to the International Court of Justice for decision. However, failure to reach agreement on the referral of the dispute to the International Court of Justice shall not release the parties to the dispute from the obligation to continue efforts to settle it by any of the peaceful means prescribed in paragraph 1 of this article."

[E/CONF.34/L.31]
[*16 March 1961*]
[*Original: Russian*]

Union of Soviet Socialist Republics: amendment to article 56

1. Remove paragraphs 2-6 to a separate article, to follow article 52 and to form with it a separate section headed " Transitional provisions ".

2. Delete the remaining paragraphs.

[E/CONF.34/L.41]
[*21 March 1961*]
[*Original: English*]

Canada: amendment to article 56

Re-draft paragraph 7 to read:

" 7. A State which desires to become a Party but wishes to be authorized to make reservations other than those listed in paragraph 2 may inform the Secretary-General of such intention. The Secretary-General shall immediately communicate the proposed reservation to all States which have signed or ratified this Convention to ask whether they have any objections. If accepted by three-fourths of these States within a period of one year from the date of this communication, the reservation concerned shall be deemed to be accepted, provided, however, that after the coming into force of this Convention only objections from Parties shall be considered and Parties who have objected to it shall not assume with the reserving State any legal obligation under the provision of the Convention which is affected by the reservation."

[E/CONF.34/L.47]
[*24 March 1961*]
[*Original: English*]

Canada: amendment to article 56 of the re-draft of the Single Convention (E/CONF.34/21/add.4)

Re-draft paragraph 3 to read:

" 3. A State which desires to become a Party but wishes to be authorized to make reservations may inform the Secretary-General of such intention. The Secretary-General shall immediately communicate the proposed reservation to all States which have signed or ratified this Convention. Once thirty-six States have ratified the Convention, the reservation concerned shall be considered to have been accepted if no less than one third of these parties have not offered objection within a period of six months following ratification or acceptance of thirty-sixth party. If a reservation is accepted under this procedure the parties who have objected to it shall not assume with the reserving State any legal obligation under the provision of the Convention which is affected by the reservation."

IV. — MISCELLANEOUS PAPERS

[E/CONF.34/C.3/L.1]
[*7 February 1961*]
[*Original: English*]

DRAFT SCHEDULES PREPARED BY THE TECHNICAL COMMITTEE

Schedule I, Part 1

The following drugs, however produced

1. Opium
2. Poppy straw, when such poppy straw has actually entered into a process which may result in concentration or eventual isolation of morphine or other phenanthrene alkaloids or when it has entered into international commerce.
3. Poppy straw concentrate
4. Benzylmorphine, its esters and ethers
5. Desomorphine (Dihydrodesoxymorphine), its esters and ethers
6. Dihydromorphine, its esters and ethers
7. Heroin (Diacetylmorphine)
8. Hydrocodone (Dihydrocodeinone), its esters and ethers
9. Hydromorphone (Dihydromorphinone), its esters and ethers
10. Methyldesorphine, its esters and ethers
11. Methyldihydromorphine, its esters and ethers
12. Metopon (5-methyldihydromorphinone [1]), its esters and ethers
13. Morphine, its esters and ethers except ethylmorphine and methylmorphine (codeine)
14. Morphine-N-Oxide, its esters and ethers
15. Morphine-N-Methylbromide and other pentavalent nitrogen morphine derivatives and their esters and ethers
16. Myrophine (6-myristylbenzylmorphine)
17. Nicomorphine (3-6-dinicotinylmorphine)
18. Mormorphine (N-demethylated morphine), its esters and ethers
19. Oxycodone (14-hydroxydihydrocodinone), its esters and ethers
20. Oxymorphone (14-hydroxydihydromorphinone) its esters and ethers
21. Thebacon (Acetyldihydrocodeinone)
22. Thebaine

[1] Originally described as 7-methyldihydromorphinone.

[E/CONF.34/C.3/L.2]
[*9 February 1961*]
[*Original: English*]

Schedule I, Part 2

1. Coca Leaves
2. Cocaine (Methyl ester of benzoylecgonine)
3. Ecgonine, its esters and derivatives which are convertible to Ecgonine and cocaine
4. Cannabis, Cannabis Resin and other substances which may be expected to produce those effects which are characteristically associated with Cannabis
5. Alphameprodine (α-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
6. Alphaprodine (α-3,3-dimethyl-4-phenyl-4-propinoxypiperidine)
7. Anileridine (1-p-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
8. Betameprodine (β-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
9. Betaprodine (β-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
10. Esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid (other than pethidine and properidine)
11. Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
12. Hydroxypethidine (4-m-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
13. Ketobemidone (4-m-hydroxyphenyl-1-methyl-4-propionylpiperidine)
14. Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
15. Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
16. Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
17. Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)
18. Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
19. Alphacetylmethadol (α-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
20. Alphamethadol (α-6-dimethylamino-4,4-diphenyl-3-heptanol)
21. Betacetylmethadol (β-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
22. Betamethadol (β-6-dimethylamino-4,4-diphenyl-3-heptanol)

23. Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
24. Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
25. Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
26. Dioxaphetyl Butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
27. Dipipanone (4,4-diphenyl-6-piperidino-3-heptanone)
28. Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
29. Levomoramide ((−)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
30. Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
31. Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
32. Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
33. Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
34. Levomethorphan [2] ((−)-3-methoxy-N-methylmorphinan)
35. Levorphanol [2] ((−)-3-hydroxy-N-methylmorphinan)
36. Phenomorphan (3-hydroxy-N-phenethylmorphinan)
37. Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
38. Racemorphan ((±)-3-hydroxy-N-methylmorphinan)
39. Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)
40. Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
41. Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
42. Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)

[E/CONF.34/C.3/L.3]
[*10 February 1961*]
[*Original: English*]

Schedule I, Part 3

1. Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
2. Benzethidine (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
3. Clonitazene (2-p-chlorbenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
4. Diampromide (N-[2-(N-methylphenethylamino) propyl]-propionanilide)
5. Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
6. Etonitazene (1-(2-diethylaminoethyl)-2-p-ethoxybenzyl-5-nitrobenzimidazole)
7. Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
8. Hydromorphinol (14-hydroxydihydromorphine)
9. Levophenacylmorphan ((−)-3-hydroxy-N-phenacylmorphinan)
10. Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
11. Norlevorphanol ((−)-3-hydroxymorphinan)
12. Phenampromide (N-(1-methyl-2-piperidinoethyl) propionanilide)
13. Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-2,7-benzomorphan)
14. Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
15. Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

[E/CONF.34/C.3/L.4]
[*14 February 1961*]
[*Original: English*]

The Schedules

General Comment

The main considerations which influenced the Technical Committee in placing a substance in one Schedule or another were:

(*a*) its degree of liability to abuse, and

(*b*) its risk to public health and social welfare.

In addition, when considering each substance in a Schedule for retention, deletion or transfer to another Schedule, and when considering an entirely new substance or preparation for possible inclusion in a Schedule, certain more specific indicators were adopted by the Committee.

These could, collectively, be called " criteria " not only because they are important factors in any such discussion of substances which present a risk to health, but also because they provided a uniform basis upon which the Committee could work smoothly within its terms of reference.

Schedule I. The substances in this Schedule are those:

(*a*) Having addiction producing and addiction sustaining properties greater than those of codeine and more or less comparable to those of morphine;

(*b*) Convertible into substances having addiction producing or addiction sustaining properties with an ease and yield such as to constitute a risk of abuse greater than that of codeine;

(*c*) Having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine; or

(*d*) Convertible into substances having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine.

[2] Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and Dextrorphan ((+)-3-hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

Schedule II. The substances in this Schedule are those:

(*a*) Having addiction producing or addiction sustaining properties not greater than those of codeine but at least as great as those of propoxyphene; or

(*b*) Convertible into a substance having addiction producing or addiction sustaining properties with an ease and yield such as to constitute a risk of abuse not greater than that of codeine.

Schedule III. Comprises only preparations which:

(*a*) Are intended for legitimate medical use;

(*b*) Have a specified drug content and are compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in yield which would constitute a risk to public health.

Schedule IV. The substances in this Schedule are those:

(*a*) Having strong addiction producing properties or a liability to abuse not offset by therapeutic advantages which cannot be afforded by some other drug;

(*b*) For which deletion from general medical practice is desirable because of the risk to public health.

[E/CONF.34/C.3/L.5]
[*15 February 1961*]
[*Original: English*]

Schedule I

The following drugs, however produced

1. Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
2. Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
3. Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
4. Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
5. Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
6. Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propinoxypiperidine)
7. Anileridine (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
8. Benzethidine (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
9. Benzylmorphine
10. Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
11. Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
12. Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
13. Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
14. Cannabis, Cannabis Resin and other substances which may be expected to produce those effects which are characteristically associated with Cannabis
15. Clonitazene ((2-para-chlorbenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
16. Cocaine (Methyl ester of benzoylecgonine)
17. Coca Leaves
18. Concentrate of Poppy Straw [3], the material arising when poppy straw has entered into a process for the concentration of its alkaloids
19. Desomorphine (Dihydrodeoxymorphine)
20. Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
21. Diampromide (N-[(2-N-methylphenethylamino) propyl]-propionanilide)
22. Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)
23. Dihydromorphine
24. Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
25. Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
26. Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
27. Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
28. Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
29. Dipipanone (4,4-diphenyl-6-piperidino-3-heptanone)
30. Ecgonine, its esters and derivatives which are convertible to Ecgonine and Cocaine
31. Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
32. Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
33. Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
34. Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
35. Heroine (Diacetylmorphine)
36. Hydrocodone (Dihydrocodeinone)
37. Hydromorphinol (14-hydroxydihydromorphine)
38. Hydromorphone (Dihydromorphinone)
39. Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
40. Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
41. Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)

[3] Poppy Straw, when such poppy straw has actually entered into a process which may result in concentration or eventual isolation of morphine or other phenanthrene alkaloids or when it has entered into international commerce under these specified conditions should be subject to the provisions of Schedule I.

42. Levomethorphan [4] (−)-3-methoxy-N-methylmorphinan)
43. Levomoramide ((−)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
44. Levophenacylmorphan ((−)-3-hydroxy-N-phenacylmorphinan)
45. Levorphanol [4] ((−)-3-hydroxy-N-methylmorphinan)
46. Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
47. Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
48. Methyldesorphine (6-methyl-delta-6-deoxymorphine)
49. Methyldihydromorphine (6-methyldihydromorphine)
50. 1-methyl-4-phenylpiperidine-4-carboxylic acid
51. Metopon (5-methyldihydromorphinone, originally described as 7-methyldihydromorphinone)
52. Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
53. Morphine
54. Morphine-N-Methobromide and other pentavalent nitrogen morphine derivatives
55. Morphine-N-Oxide
56. Myrophine (6-myristylbenzylmorphine)
57. Nicomorphine (3,6-dinicotinylmorphine)
58. Norlevorphanol ((−)-3-hydroxymorphinan)
59. Normethadone
60. Normorphine
61. Opium
62. Oxycodone (14-hydroxydihydrocodeinone)
63. Oxymorphone (14-hydroxydihydromorphinone)
64. Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
65. Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
66. Phenampromide (N-(1-methyl-2-piperidinoethyl) propionanilide)
67. Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-2,7-benzomorphan)
68. Phenomorphan (3-hydroxy-N-phenethylmorphinan)
69. Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
70. Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
71. Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
72. Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
73. Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
74. Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
75. Racemorphan ((±)-3-hydroxy-N-methylmorphinan)
76. Thebacon (Acetyldihydrocodeinone)
77. Thebaine
78. Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)

The provisions of this Schedule apply to:

(*a*) The isomers, unless specifically excepted, of all the substances in the Schedule whenever the existence of such isomers is possible within the specific chemical designation.

(*b*) The esters and ethers, unless appearing in another Schedule, of all the substances in this Schedule whenever the existence of such esters or ethers is possible.

(*c*) The salts of all the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

[E/CONF.34/C.3/L.6]
[*15 February 1961*]
[*Original: English*]

Schedule II

The following drugs, however produced

Acetyldihydrocodeine
Codeine (Methylmorphine)
Dihydrocodeine
Ethylmorphine
Norcodeine
Pholcodine (Morpholinylethylmorphine)
Propoxyphene (4-dimethylamino-3-methyl-1, 2-diphenyl-2-propionoxybutane)

The provisions of this Schedule apply to:

(*a*) The isomers, unless specifically excepted, of all the substances in the Schedule whenever the existence of such isomers is possible within the specific chemical designation.

(*b*) The salts of all the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

[E/CONF.34/C.3/L.7]
[*15 February 1961*]
[*Original: English*]

Schedule IV

The following drugs, however produced

Cannabis and Cannabis Resin
Desomorphine (Dihydrodeoxymorphine)
Heroin (Diacetylmorphine)
Ketobemidone (4-m-hydroxyphenyl-1-methyl-4-propionylpiperidine)

The salts of all the drugs listed in this schedule whenever the formation of such salts is possible.

[4] Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and Dextrorphan ((+)-3-hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

[E/CONF.34/C.3/L.8]
[*16 February 1961*]
[*Original: English*]

Introduction

General comments on the Schedules

The main considerations which influenced the Technical Committee in placing a substance in one Schedule or another were:

(*a*) its degree of liability to abuse, and

(*b*) its risk to public health and social welfare.

In addition, when considering each substance in a Schedule for retention, deletion or transfer to another Schedule, and when considering an entirely new substance or preparation for possible inclusion in a Schedule, certain more specific indicators were adopted by the Committee.

These could, collectively, be called " criteria ", not only because they are important factors in any such discussion of substances which present a risk to health, but also because they provided a uniform basis upon which the Committee could work smoothly within its terms of reference.

Schedule I. The substances in this Schedule are those:

(*a*) Having addiction-producing and addiction-sustaining properties greater than those of codeine and more or less comparable to those of morphine;

(*b*) Convertible into substances having addiction-producing or addiction-sustaining properties with an ease and yield such as to constitute a risk of abuse greater than that of codeine;

(*c*) Having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine; or

(*d*) Convertible into substances having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine.

Schedule II. The substances in this Schedule are those:

(*a*) Having addiction-producing or addiction-sustaining properties not greater than those of codeine but at least as great as those of propoxyphene; or

(*b*) Convertible into a substance having addiction-producing or addiction-sustaining properties with an ease and yield such as to constitute a risk of abuse not greater than that of codeine.

Schedule III. Comprises only preparations which:

(*a*) Are intended for legitimate medical use;

(*b*) Have a specified drug content and are compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in yield which would constitute a risk to public health.

Schedule IV. The substances in this Schedule are those:

(*a*) Having strong addiction-producing properties or a liability to abuse not offset by therapeutic advantages which cannot be afforded by some other drug;

(*b*) For which deletion from general medical practice is desirable because of the risk to public health.

Nomenclature

Common names or international non-proprietary names, where available, as well as chemical systematic names, according to the system of the International Union of Pure and Applied Chemistry, are used to describe substances included in Schedules I and II. The Technical Committee is of the opinion that international non-proprietary names should be mandatory for international trade. This does not preclude the use of other names in addition.

However, easy reference to other names and chemical designations is necessary, particularly at administrative level. It is therefore recommended that the Secretary-General continue to publish the " Mutilingual List of Narcotic Drugs under International Control " (E/CN.7/341), which should be used in conjunction with the Schedules. To maintain its undoubted value the Multilingual List should be revised regularly.

[E/CONF.34/C.3/L.9]
[*16 February 1961*]
[*Original: English*]

Schedule III

The following preparations intended for legitimate medical use

1. Preparations of acetyldihydrocodeine, codeine, dextropropoxyphene, dihydrocodeine, ethylmorphine, norcodeine, and pholcodine as listed in Schedule II, subject to the following conditions:

(*a*) compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health;

(*b*) the quantity should not be more than 100 mg. per unit in solid dose preparations (pills, tablets etc.) and the concentration should not be more than 2.5 per cent in liquid or bulk powder preparations, or 100 mg. per maximum single dose in liquid preparations.

2. Preparation of cocaine containing no more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing no more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Diphenoxylate preparations containing not more than 2.5 mg. diphenoxylate calculated as base and not less than 25 micrograms atropine sulphate per unit in solid dose preparations.

4. Pulvis ipecacuanhae et opii compositus
10 per cent opium in powder
10 per cent Ipecacuanha root, in powder, well mixed with
80 per cent of other powdered ingredient, containing no drug within the definition of this Convention.

5. Pilulae plumbi cum opio

Lead acetate	0.1037 grammes
Opium	0.0156 grammes
Syrup of glucose	sufficient quantity

6. Unguentum gallae cum opio
7.5 per cent opium in fine powder
18.5 per cent gall finely sifted
74 per cent of any suitable ointment base, containing no drug within the definition of this Convention.

7. Compounds and dilutions of listed formulae

Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug within the definition of this Convention.

[E/CONF.34/C.6/L.1]
[*15 February 1961*]
[*Original: English/French/Spanish*]

Use of terms " drug ", " stupéfiant " and " estupefaciente "

NOTE BY THE SECRETARIAT

1. There is a major discrepancy in the Third Draft of the Single Convention (E/CN.7/AC.3/9) between the English text on the one hand and the French and Spanish on the other.

2. The English text uses the term " drug ", but the French text uses " *stupéfiant* " and the Spanish text " *estupefaciente* ".

3. The common meaning of the English term is very general, covering not only the drugs under international control, but all medicines. The French and Spanish are narrower in their common meaning, and would not even include all drugs under international narcotics control.

4. The French and Spanish terms mean literally " stupor-inducing drug " and are equivalent to the English term " narcotic drug ", which has the connotation of " sleep-inducing drug ". They would not therefore, in their common meaning, include such drugs as cocaine and cannabis, both of which have stimulating effects.

5. Moreover, the French term " *stupéfiant* " in French legislative language does not include such drugs as codeine and ethylmorphine.

6. Although by legal definition in article 1 (*k*) of the Third Draft, the terms " drug ", " *stupéfiant* " and " *estupefaciente* " are made to be equivalent, thus introducing an artificial definition for the purposes of the Convention, it may be advisable to use in all three language versions terms which in common language correspond rather more closely to each other — i.e. in English " drug ", in French " drogue " and Spanish " droga ".

7. If this is adopted, it would follow the precedent of the existing Conventions where the English Treaty texts used the term " drug ", the French " drogue " and the Spanish " droga ".

[E/CONF.34/L.4]
[*3 February 1961*]
[*Original: English*]

Note by the President

The President of the Conference has the honour to circulate the attached correspondence between the Representative of Israel to the Conference and himself.

25 January 1961

Sir,

I have the honour to refer to the proposal adopted by the Plenary Session yesterday, on the suggestion of the Representative of the United Arab Republic, that a certain U.A.R. expert should be invited to attend the meetings.

Since no prior notice was given of this application, and no formal proposal was tabled, my delegation was not in a position immediately to consider the matter, and to state its views on it.

I would, therefore, request clarification as to the basis on which the invitation is contemplated in this case, also for what purpose and in what capacity — and in particular, whether Rule 35 of the Provisional Rules of Procedure has been relied upon. I would reserve the right to comment further if need be.

Meanwhile, I would put on record the view of my delegation that such an invitation should not be regarded as a precedent, or as altering in any way the existing situation regarding the status of any organization with which the person in question may be connected.

I would be grateful if this letter could be included in the Conference proceedings.

I have the honour to be, Sir,

Yours truly,

(*Signed*) Michael COMAY
Representative of Israel
to the Conference

The President
United Nations Conference for the
Adoption of a Single Convention
on Narcotic Drugs
New York

2 February 1961

Sir,

I have the honour to acknowledge the receipt of your letter of 25 January 1961 relating to an invitation extended by the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs at its first plenary meeting on 24 January 1961. You have inquired as to the basis for the invitation and in particular whether Rule 35 of the Provisional Rules of Procedure was relied upon.

At the time the invitation was extended, the Conference has finally adopted only Chapters I, II and III and Rules 45 to 47 of its Provisional Rules of Procedure (E/CONF.34/2), but it had agreed to apply provisionally the rest of the Rules (E/CONF.34/SR.1, p. 6).

According to the provisional summary record (E/CONF.34/SR.I, p. 8) the invitation was proposed in the following form:

> " Dr. A. ISMAIL (United Arab Republic) suggested that the Conference might wish to invite the Director-General of the Permanent Anti-Narcotics Bureau of the League of Arab States in view of his experience in the subject. The secretariat of the League would defray the travel expenses."

This proposal was adopted without objection by the Conference. No representative requested further time for consideration.

The invitation was extended to a designated individual " in view of his experience in the subject ", and not to any organization, and consequently it would appear to have been based on Rule 35. As such it would not affect the situation of any organization in respect of the Conference.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Carl SCHURMANN
President of the Conference

Mr. Michael Comay
Representative of Israel to the Conference for the Adoption of a Single Convention on Narcotic Drugs
11 East 70th Street
New York 21, N.Y.

[E/CONF.34/C.3/L.10]
[*16 February 1961*]
[*Original: English*]

Cannabis Plant

Cultivation of the Cannabis plant is not prohibited in the Draft Single Convention when grown for fibre or seed.

The type of control imposed on the opium poppy does not apply to Cannabis plants grown for fibre or seed.

The Cannabis plant is monotypic but not type specific. It grows wild in some countries.

A variety may, when grown for fibre or seed, occasionally produce some resin.

If the definition included a reference to " yielding resin with narcotic properties " or similar phraseology, the criterion as to whether a plant came within the terms of the Convention would depend upon a specific test which this Committee is unable to suggest.

Since the cultivation of the Cannabis plant for industrial purposes is not to be controlled it would be superfluous to adopt a restrictive definition.

From a purely taxonomy point of view a definition such as " Cannabis plant means any plant of the genus cannabis " is an appropriate definition.

Taking the foregoing aspects into consideration, it is recommended that the following definition be adopted:

Cannabis plant means any plant of the genus cannabis.

CANNABIS

Alternative 1

" Cannabis " means the [dried] flowering or fruiting tops of the Cannabis plant from which the resin has not been extracted, by whatever name they may be designated in commerce.

Alternative 2

" Cannabis " means the leaves or tops (excluding the seeds when not accompanied by other parts of the tops) of the Cannabis plant.

It was considered that a definition combining these two alternative texts would be more appropriate.

The following is recommended:

" Cannabis means the leaves or flowering or fruiting tops of the Cannabis plant (excluding the seeds when not accompanied by other parts of the tops) from which resin has not been extracted, by whatever name they may be designated."

CANNABIS RESIN

The following definition is recommended:

" Cannabis resin " means the separated resin, whether crude or purified, obtained from the Cannabis plant.

COCA BUSH

The following definition is recommended:

" Coca bush " means any species of the genus Erythroxylon whose leaf contains cocaine or any other ecgonine alkaloid.

COCA LEAF

The following definition is recommended:

" Coca leaf " means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed.

CRUDE COCAINE

The definition, in its original text, is adequate and was recommended:

" Crude cocaine " means any extract of coca leaf which can be used for the manufacture of cocaine.

MEDICINAL OPIUM

The following definition is recommended:

" Medicinal opium " means opium which has undergone the processes necessary to adapt it for medicinal use.

It was considered that the remainder of the text in the original draft was superfluous.

OPIUM POPPY

The following definition is recommended:

" Opium poppy " means plants of the species Papaver somniferum L. and any other species of Papaver which are used for the production of opium or opium alkaloids.

OPIUM

The text of the original definition is approved.

" Opium " means the coagulated juice of the opium poppy.

SYNTHETIC DRUG

The following definition is recommended:

" Synthetic drug " means a drug other than one derived from the opium poppy, coca bush, or Cannabis plant.

[E/CONF.34/L.11]
[*21 February 1961*]
[*Original: English*]

Statement by Sir Harry Greenfield, President of the Permanent Central Opium Board [5]

The Permanent Central Opium Board and Drug Supervisory Body have been at some pains to put themselves and their joint resources at the disposal of the Conference in the hope that their combined knowledge and experience may perhaps be of some service to the Conference in the great task which it has undertaken. If I may be permitted to enumerate what we have done, we have arranged for Mr. Krishnamoorthy, a member of the Board (well known to many of you as a former delegate of India to the Narcotics Commission), and for Mr. Atzenwiler, who is Secretary of both bodies, to be here for the greater part of the Conference. Our eminent and revered member, Mr. Herbert L. May who, having been associated with the international control of narcotic drugs for some 33 years, has an experience which must be unparalleled, comes to the Conference from time to time. Dr. Joachimoglu, who is a member of both Bodies, is serving in your Technical Committee; and now I myself, as President of the Permanent Central Opium Board for the time being, have come to be with you for a week. We hope the Conference will feel that in making these arrangements we have played our due part.

Now, as for the enumeration of our views, the Board and the Supervisory Body have, over the past several years, given close and particular thought to those provisions of the draft Single Convention with which they are expressly concerned and their views have been incorporated in the documents (E/CONF.34/1) which are already before you. In so far as it may be necessary to explore these matters in detailed discussion Mr. Krishnamoorthy and Mr. Atzenwiler will be available to participate in these discussions, and their ability to play a useful part therein is quite undoubted. For my part I propose to confirm my observations to general matters and for the rest I will endeavour to consider several general questions as the Conference may wish to put to me.

There are, I think, some four general heads under which I should like to leave some thoughts with you.

First, the composition of the International Narcotics Board. It will, I am sure, be fully evident to the Conference that, even as at present, the efficacy of the future Board in carrying out its functions and its success in gaining acceptancy by contracting Parties and in expressing its views to the world at large (through the medium of its Annual Report) must depend upon its moral stature as an international Body and that this will in turn depend on the qualities of its individual members.

To some extent of course the quality of the members of the Board will depend on the nature of duties assigned to it: if its responsibilities are substantial and its task is manifestly worth while, men of standing and ability will agree to serve on it. It follows that if in the new Convention the responsibilities of the Board should conceivably be materially abridged, or its status as an international Body should be diminished, the chances of first class men offering their services in this particular field will be correspondingly reduced. But a good deal also depends on the manner of election of the members.

At the present time I am glad (indeed proud) to say that we have a sound and well-balanced Board which functions happily and effectively as a team and which, in all modesty, can claim to be regarded with respect by the countries and the international Bodies with which it has to deal. I would in fact go as far as to say that, within my experience, which is now going on for fourteen years, and in that of Mr. May's which is a good deal longer, this is one of the best Boards we have had. There is, however, no certainty under its present system of election that a Board of this standard of efficiency will invariably be elected. When in July last year I made grateful acknowledgement to the Economic and Social Council of the quality of membership of the present Board I was met by the rejoinder that the Economic and Social Council disclaimed any credit for this happy result which the speaker indeed considered to be due

[5] At the nineteenth plenary meeting of the Conference.

largely to chance. If this is so it is clearly desirable that in drawing up permanent legislation for the future some thought should be given to the possibility of reducing this element of chance and making the election of a fully competent Board more certain on each occasion. I must confess that I myself find it difficult to see how this might be brought about but no doubt the collective wisdom of the Conference will be more fertile in ideas than a single individual can be and the issue is so important that I earnestly commend the matter to your consideration.

Secondly, as to the functions of the new Board it is doubtless still too early to hazards a conclusion as to whether the new Convention will enlarge or curtail the functions assigned to the Board by the existing Treaties. It can safely be assumed that the new Board will dutifully carry out such functions as may be required of it and all I need do is to enter a plea that any possible additional functions should be strictly practicable. It will be recalled that this thought was prominently in the minds of the Board and the Supervisory Body in forming their written comments on the draft Single Convention and I have been reassured to observe during the time that I have been here that the same consideration has characterized the discussions which have taken place during this time.

My third point is in regard to the powers to be conferred on the new Board. The present Board and its predecessors have always approached this subject with great caution, seeking rather to obtain results by consultation and persuasion than by the exercise of its authority. Of the means now placed at its disposal by the provisions of the existing Conventions the Board considers the most potent to be the public expression of its comments or recommendations in its Annual Report; and even this instrument it has used with great care and discretion, recognizing the sensitiveness which individual countries may feel to public mention of this kind. Experience suggests that this has been a wise policy and that it has in fact contributed to the standing which the Board has in the eyes of contracting Parties today.

The Board refrains from offering any views as whether increased powers should be conferred to the future Control Board and contents itself with saying that, whatever powers the Conference may decide to confer, it can be taken as reasonably certain that the new Board will show the same restraint and discretion in their exercise as successive Boards have shown in the past.

Finally, I turn to the question of the status of the secretariat which is to serve the new Board. And here I would plead for a cautious and thoughtful approach to a matter which is not quite as simple and straightforward as might at first sight appear. No one with administrative experience (and I would mention in passing that among the members of the present Board we muster quite a considerable body of experience in administration) would question for a moment the desirability, on administrative grounds, of combining secretariat personnel as far as possible into a single establishment, or would deny that small detached secretarial bodies can be administratively tiresome. In the present instance, however, the matter is, to some extent at any rate, bound up with the delicate and vitally important issue of the Board's independence — a consideration which acquires all the more significance as it becomes generally recognized, that the Board's executive powers are extremely slender. It would, in our judgement, be most unfortunate if an impression should be allowed to grow up that the future Board is simply a minor statistical organ, a mere subsidiary branch or appendage of a larger, more powerful and more generally important body, such as the Narcotics Commission. If this should happen, the Board's effectiveness and general power for good could hardly fail to be adversely affected and might be greatly reduced. It may perhaps be urged that if the Board were seen to be a body of men of international stature this danger would be checked to some extent; and of course this is true. In fact, as I have already indicated, there cannot (at present at any rate) be any guarantee that the Board will invariably be so composed; and there always will be a period of uncertainty whenever a new Board is elected. Moreover, as the Conference is no doubt aware, the Board is not continuously in session and during the intervals between sessions the secretariat is required to act in the name of the Board. It follows that the members of the secretariat, for the time being, must be fully in tune with the mind of the Board; and this could hardly be ensured if they were liable to sudden change or felt that their future prospects were governed by influences outside the circle of the Board's authority.

The question is thus a matter of some difficulty and having posed the problem we are content to leave it to the good sense of the Conference to find the right solution. It is possible to find plausible and ingenious arguments from either side. All that the Board is concerned to urge is that the problem should be approached with careful circumspection, for the reason that an important and weighty imponderable is at stake, namely the absolute and visible independence of the future control of the Board. If I may be permitted to paraphrase a well known legal principle: it is important not only that the Board should be completely independent but that it should be constantly seen to be completely independent.

Bearing this in mind the Conference may perhaps think that it would be prudent to leave the secretarial arrangement more or less in its present posture, even at the risk of some possible administrative inconvenience. And indeed when we come to look at those risks they are not in actuality very great. Despite the apparent inevitability of Parkinson's Law the present Board's staff has not undergone any expansion: in 1935 the Board's staff consisted of 6 persons and that of the Drug Supervisory Body amounted to 3; in 1961, 25 years later, the combined staff of the two bodies is 9, despite an evident increase in its work, due to the greater number of narcotic drugs and the greater number of countries concerned.

If the Conference should express a preference for the status quo, it would no doubt be possible to introduce provisions designed to reduce possible inconveniences to the Secretary-General to a minimum. In any circum-

stances the future Control Board would naturally wish to maintain the closest accord with the Secretary-General in regard to its personnel. For example, it would doubtless be ready to consider nominations from the Secretary-General to vacancies in its staff, provided it were clearly understood that it had the right to reject any whom it might not regard as entirely suitable; and it would also readily entertain suggestions regarding transfers at reasonable intervals, having regard always of course to the efficiency and continuity of its work.

In conclusion, I should like to make it clear that these observations are strictly objective in character. Before the new Convention comes into force the present Board will have been replaced by another, perhaps composed of completely different persons; and that second Board will in turn be replaced by the Board constituted by the new Convention. Similarly, the leading members of the present Board's secretariat will have retired. I want to emphasize therefore that all these observations have been made on behalf of our successors and they relate to considerations which experience has taught us to regard as important.

[E/CONF.34/L.14]
[27 February 1961]
[*Original: English*]

Note on the Cannabis Plant and its Products submitted by the Australian Delegation

Botanical data

Order	Urticales
Group	Cannabinaceae
Genus	Cannabis
Species	*Cannabis sativa L.*
Many varieties	

The Cannabis plant is an annual, growing each year from seed. It has an upright stalk which attains a height of 1-6 metres. The stalks are more or less fluted, or four-corner ridged, lengthwise with the stem. When planted for fibre production the stalks are crowded and are without foliage except near the top. By contrast, the wild growing plant, or an occasional uncrowded one along the edge of a field, has numerous branches.

The plant has compound palmate leaves usually with 7 leaflets or lobes, occasionally more. The leaf is somewhat similar in shape to a hand, with the fingers represented as leaflets. These leaflets vary up to 6 inches in length and up to 1½ inches in width.

The female flowers are inconspicuous and are found hidden among the small leaves at the ends of stalk and branches. The male flowers are very prominent and when mature shed pollen profusely. The fruit is similar in size to a large wheat kernel and nearly round.

The plants differ considerably in gross appearance due to such variables as origin of seed, local conditions of soil and climate, proximity of other plants during growth, selective breeding and the length of the growing season. Dry climates produce shorter plants than moist climates.

When seed produced in one place is planted in another, where different soil and climatic conditions prevail, the plants will resemble those from which the seed was harvested. If, however, such plants are cultivated in the new locality for several generations the characteristics of the local variety appear and the plants can no longer be differentiated.

There are many varieties of wild hemp, just as there are many transitions towards cultivated forms; but, since hemp easily becomes wild, it is difficult to be certain whether these plants with characteristics of cultivated plants are really typical varieties of the wild plant or descendants of cultivated plants which became wild or, finally, even descendants of cross-breeds of wild and cultivated forms.

The Cannabis plant is cultivated for three products, fibre, seed and resin, each of which necessitates somewhat different agricultural techniques. Oil can be extracted from the seeds and has economic importance in some countries.

(i) *Fibre*

Selective breeding has produced varieties which are long, not ramified, yield only small amounts of seeds but produce good fibre.

When cultivated for fibre the plant is harvested as soon as the male (staminate) plants are in full blossom and freely shedding pollen. The harvesting period may extend for fully three weeks subsequent to the stage when pollen is shed. If cut earlier, the fibre is finer and softer but also weaker and less in quantity. If permitted to become over-ripe, the fibre is coarse, harsh, less pliable and it is more difficult to ret the stalks properly. However, the more completely matured plants produce fibre with the greatest tensile strength and the most abundant yield.

If they are not removed manually, the male plants die soon after the pollen is shed. The pistillate (female) plants mature later than the male plants and, under the agricultural techniques for fibre production, contain no, or less, resin than when grown specifically for cannabis and cannabis resin. There are three main reasons for this:

(*a*) Temperate climates are not conducive to resin production and cultivation for fibre is generally confined to these areas.

(*b*) The male plants are not removed, therefore pollination takes place, which further reduces the plants' resin-secreting property.

(*c*) The female plants are harvested before resin secretion could commerce in any significant quantity, even if the environment was favourable to its production.

Thus, it can be assumed that, when the Cannabis plant is cultivated for fibre, the secretion of resin is retarded. One important point which must be remembered, however, is *the occasional unpredictable and inexplicable production of considerable quantities of resin*

in an industrial crop. This is a rare occurrence but the fact that it can occur must be borne in mind. Studies in breeding and selection have resulted in the development of plants which lack glandular hairs. Further experimentation might stabilize such a variety.

(ii) *Seed*

Harvesting for seed takes place at a different stage to harvesting for fibre and the cultivation methods are different. Selective breeding is used here also.

When the first flowers are produced and the staminate (male) plants can be recognized, they are all pulled out except one per square rod. This ensures sufficient pollen to fertilize the flowers on the pistillate (female), or seed-bearing plants. In addition, the removal of the male plants gives the others more room for growth. The seed-bearing plants are allowed to grow until fully mature.

An interesting point occurs in relation to cannabis seed. Botanists, in general, do not admit that there are varieties within the Cannabis species for the simple reason that they cannot define them satisfactorily. However, agriculturists do recognize varieties but are aware, from experience, that they are somewhat impermanent. For instance, the seed in certain localities in Europe is produced for export to other countries. After several seasons it is occasionally necessary to import new seed as the quality of the stock is declining. Apparently a variety cannot be perpetuated indefinitely in a climate or environment which is not its natural habitat.

So we conclude that the Cannabis plant is monotypic (only one type occurs) but varieties exist within the type. One, for instance, called Cannabis sativa gigantea, Harz, grows to a height of nearly 6 metres.

For the reason given above (the impermanence of some varieties) we say that the Cannabis plant is not type specific.

(iii) *Cannabis and Cannabis Resin*

The cultivation of the Cannabis plant for cannabis and cannabis resin follows an entirely different pattern than when it is cultivated for fibre or for seed.

(a) *Wild growth*

This occurs in a number of countries and appears to be an important source of illicit traffic in cannabis. In India, while harvesting of wild-growing cannabis plants is generally prohibited, it is allowed under licence in the Punjab and Uttar Pradesh, and this is the source of most of the cannabis produced legally in that country.

(b) *Cultivation*

The seed is broadcast in seeds beds and subsequently transplanted. The staminate (male) plants are carefully removed as soon as they begin to form their flowers and *before* pollination can take place. Fertilization of the pistillate (female) flowers must be prevented as far as possible for the reason that, if the plants are allowed to run to seed, the yield of resin is inferior in quantity and in quality. The female plants are also pruned at this stage by removing the large leaves and lower shoots so as to concentrate resin production in the flowering tops.

When the female plant is about to flower, the tops become profusely covered with multicellular, glandular hairs which secrete the resin. These hairs appear as minute glistening points and are so numerous that the tops appear to be glistening with dew. The inflorescences [6] are very sticky and the resin is also secreted on the surface of the leaves. It is largest in amount at, and shortly after, the appearance of the flowers and continues to form until the seeds are mature.

Resin is secreted in greater quantities in hot climates where there is plenty of moisture.

The male plant during flowering also exudes a small amount of resin but much less than that produced by the female plant.

If the definition of Cannabis plant included a phrase such as "... yielding resin with narcotic properties", the criterion as to whether a particular variety of the plant came within the terms of the Convention would depend upon a specific test. As the active constituent or constituents of cannabis resin is not known, an accurate chemical test is impossible. There being no chemical assay method available for cannabis, attempts have been made to standardize it biologically.

One method is based on the determination of the dose required to render dogs ataxic. This method can distinguish between inert samples and active samples but it is not as a quantitative measure. Another method is based on the disappearance of the corneal reflex in rabbits after the injection of a solution of cannabis. As a quantitative measure, this method is also of little or no value.

Cannabis, in its natural state, has many names which are used to designate the tops and leaves of the female plant which have not undergone any more elaborate process than drying and sometimes chopping.

Bhang is the product obtained in India by drying mature leaves which have been plucked while still green.

Ganja consists of the dried flowering tops of the wild and the cultivated female plants. Usually the only variety of ganja which reaches Europe is the Flat Ganja. The Round Ganja and Chur Ganja are consumed in the regions where they are produced.

Charas and *Hashish* are names given to the resin. The method formerly used in its preparation in Chinese Turkestan consisted in cutting and drying the female flower heads, then crushing them in the hands to a powder and sieving so that it attained the fineness and consistency of sand. This powder was stored in bags for 4-5 months during the winter. With the onset of hot weather the material was taken out and exposed to the

[6] When the flowers of a plant are grouped in smaller or larger number (clusters) in special branch systems, these are called inflorescences. Small leaves are usually closely adjacent to each inflorescence.

sun for a short time to allow the resin to melt. After a few days further storage it was kneaded thoroughly until each bag yielded one or two pounds of oil. At this stage the Charas (a greenish black mass) was transferred to fresh bags and was then ready for sale. The oil was probably sold separately.

Government analysts usually find fragments of leaves in samples seized in the illicit traffic and subjected to microscopic examination. As leaves constitute the first step in drug addiction, it is thus difficult to visualize a definition of Cannabis which omits reference to the leaves of the plant. Even though the large leaves may have been removed from the plant during cultivation, smaller leaves remain and cannot be excluded from the final product.

The production of hemp fibre in India is from " Sunn hemp " (Bengal hemp), Crotalaria juncea, an entirely different botanical species from Cannabis sativa L.

The nomenclature of hemp fibres is most confusing as there are, in addition to Cannabis sativa L., thirty-four species of plants in various parts of the world, producing fibre which in the literature have been or are called hemp, usually with a prefixed name.

Nomenclature of hemp fibres

Common Name	*Scientific Name*
African bowstring hemp	Sansevieria metallica
Amabri, Brown, Cembadi, Deccan, or Kumaffe	Hibiscus cannabinus
Black Fellow's hemp	Commersomia fraseri
Bowstring hemp	Sansevieria roxburghiana
Calcutta hemp (jute)	Corcorus capsularis
Cebu, or Manila hemp	Musa textilis
Ceylon or bowstring hemp	Sansevieria zeylanica
Colorado River hemp	Sesbania macrocarpa
Cretan hemp	Datista cannabina
Cuban hemp	Fourcroya cubensis
False hemp	Rhus typhina
False sisal hemp	Agave decipiens
Florida bowstring hemp	Sanseveria metallica
Giant hemp	Cannabis gigantea
Hayti hemp	Agave foetida
Ife hemp	Sansevieria cylindrica
Indian hemp	Apocynum cannabinum
Jubbulpore hemp	Crotalaria tenuifolia
Kaffir hemp	Grewia occidentalis
Ko hemp	Pueraria thunbergiana
Mauritius hemp	Fourcroya gigantea
New Zealand hemp	Phormium tenax
Pangane hemp	Sansevieria kirkii
Pita hemp	Yucca sp.
Pua or wild hemp	Maoutia puya
Queensland hemp	Sida retusa
Rajmahal hemp	Marsdenia tenacissima
Rangoon hemp	Laportea gigas
Roselle hemp	Hibiscus sabdariffa
Sisal hemp	Agave sisalana
Sunn or Bengal hemp	Crotalaria juncea
Swedish hemp	Urtica diocia
Tampico hemp	Agave heteracantha
Water hemp	Eupatorium cannabinum

[E/CONF.34/L.18]
[*6 March 1961*]
[*Original: English*]

National Control Organs

NOTE BY THE SECRETARIAT

Control of the legal trade in narcotics and the fight against illicit traffic fall, in most if not in all countries, within the competence of several different departments, e.g. Health, Customs, Police, Trade, etc. It is obvious that this divided responsibility may seriously affect not only control in a particular country but also that country's co-operation with other countries and with international control organs.

Exchange of information between Governments may not be effective because no definite channels are established for its collection from and dissemination to all agencies concerned. Moreover, narcotics control may require some degree of specialization of the officials in question. Co-ordination and some centralization of the functions relating to narcotics control are, therefore, important.

Constitutional difficulties and different administrative traditions, however, may offer serious obstacles to a uniform execution of the idea of centralization, co-ordination and specialization.

Under the Narcotics Treaties and the relevant recommendations of international control organs, the following different types of administrative arrangements on the national level have been suggested: (*a*) Single Authority; (*b*) Special Administration; (*c*) Central Office.

(*a*) *Single Authority*

The Geneva Limitation Conference of 1931 recommended that in countries where the administrative organization allows of such a procedure the supervision of the trade in narcotics as a whole should be in the hands of a Single Authority so that all supervisory measures over this trade may be unified. (For the text of this recommendation (I) see Annex A.) This recommendation followed a proposal made by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs and incorporated in the Model Administrative Code to the 1931 Convention [7] at its Eleventh Session (document C.241.1928.XI, Annex VIII).

(*b*) *Special Administration*

The limitation Conference of 1931 realized that the idea of a Single Authority could not generally be implemented. Therefore, the 1931 Convention only requires the Parties to create a " Special Administration " for the purpose of applying the provisions of this Convention. (The full text of article 15 is reproduced in Annex B to this document.)

The Commentary on the 1931 Convention explains that the " Special Administration " provided for in this

[7] Document C.774.M.365.1932.XI.

article " does not need to be a single authority for all the purposes mentioned in the article." [8]

(*c*) *Central Office*

The 1936 Convention provides in articles 11 and 12 for the creation of a " Central Office " to be devoted to the fight against the illicit traffic. The Central Office should be in close contact with other official institutions or bodies dealing with narcotic drugs; centralize all relevant information and be in close contact with the Central Offices of other countries. (The full text of articles 11 and 12 is reproduced in Annex C.) It was provided that the powers and the functions of the Central Office under the 1936 Convention may be delegated to the Special Administration required under the 1931 Convention.

Relevant Provisions in the Drafts of the Single Convention

The Third Draft of the Single Convention provides for a Special Administration (article 25) but not expressly for a Central Office. Some elements of the idea of a Central Office are, however, contained in article 44, para. 2.

The Second Draft of the Single Convention (E/CN.7/AC.3/7) provides for a Special Administration as well as a Central Office and refers also to the desirability of a Single Authority (article 26).[9]

The First Draft of the Single Convention (E/CN.7/AC.3/3) has substantially similar provisions (Section 29).[10]

Annex A

1 [11]

The Conference:

Recalling the proposal made by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs in the Model Code for the Administrative Control of the Drug Traffic,[12] which was drawn up at its eleventh session to the effect that, in countries the administrative organization of which allows of such a procedure, the supervision of the trade in narcotics as a whole should be in the hands of a single authority, so that all supervisory measures over this trade may be unified; and that, in countries where this supervision is in the hands of several authorities, steps should be taken to establish co-ordination among them:

Recommends that such Members of the League of Nations and non-member States as do not at present possess such a single authority should forthwith consider the desirability of establishing one, with the duty of regulating, supervising and controlling the traffic in opium and other dangerous drugs and of preventing and combating drug addiction and the illicit traffic; and that they should report to the Secretary-General of the League of Nations within a period of one year from the present date on the results of their examination of this question.

[8] This explanation is taken from the Model Administrative Code to the 1931 Convention (document C.774.M.365.1932.XI., p. 7.), and from document C.191.M.136.1937.XI., p. 193.

[9] Article 26 is reproduced in Annex D to this document.

[10] The text of Section 29 is reproduced in Annex E to this document.

[11] 1931 Convention, page 39.

[12] Document C.241.1928.XI, Annex VIII.

Annex B

Article 15

The High Contracting Parties shall take all necessary legislative or other measures in order to give effect within their territories to the provisions of this Convention.

The High Contracting Parties shall, if they have not already done so, create a special administration for the purpose of:

(*a*) Applying the provisions of the present Convention;

(*b*) Regulating, supervising and controlling the trade in the drugs;

(*c*) Organizing the campaign against drug addiction, by taking all useful steps to prevent its development and to suppress the illicit traffic.

Annex C

Article 11

1. Each of the High Contracting Parties shall set up within the framework of its domestic law, a central office for the supervision and co-ordination of all operations necessary to prevent the offences specified in Article 2, and for ensuring that steps are taken to prosecute persons guilty of such offences.

2. This central office:

(*a*) Shall be in close contact with other official institutions or bodies dealing with narcotic drugs;

(*b*) Shall centralize all information of a nature to facilitate the investigation and prevention of the offences specified in Article 2;

(*c*) Shall be in close contact with and may correspond direct with the central offices of other countries.

3. Where the Government of a High Contracting Party is federal in character, or where the executive authority of its Government is distributed between central and local Governments, the supervision and co-ordination specified in paragraph 1 and the execution of the functions specified in (*a*) and (*b*) of paragraph 2 shall be carried out in conformity with the constitutional or administrative system thereof.

4. Where the present Convention has been applied to any territory by virtue of article 18, the requirements of the present Article may be carried out by means of a central office set up in or for that territory acting in conjunction, if necessary, with the central office in the metropolitan territory concerned.

5. The powers and the functions of the central office may be delegated to the special administration referred to in article 15 of the Convention for limiting the manufacture and regulating the Distribution of Narcotic Drugs of 1931.

Article 12

1. The central office shall co-operate with the central offices of foreign countries to the greatest extent possible, in order to facilitate the prevention and punishment of the offences specified in article 2.

2. The office shall, so far as it thinks expedient, communicate to the central office of any country which may be concerned:

(*a*) Particulars which would make it possible to carry out any investigations or operations relating to any transactions in progress or proposed;

(*b*) Any particulars which it has been able to secure regarding the identity and the description of traffickers with a view to supervising their movements;

(*c*) Discoveries of secret factories of narcotic drugs.

Annex D

Chapter V. NATIONAL CONTROL ORGANS

Article 26. — *Special Administration and Central Office* [13]

1. Without prejudice to the special provisions of Articles 32, 37 and 40 to 43, the Parties shall, if they have not already done so, create a special administration for the purpose of:

(*a*) Applying the provisions of this Convention;

(*b*) Regulating, supervising and controlling the cultivation, production, manufacture [and] trade [distribution and possession] so far as these operations [and possession] fall within the scope of this Convention; and

(*c*) Organizing the campaign against drug addiction by taking all useful steps to prevent its development and to suppress the illicit traffic.

2. (*a*) Parties shall set up, within the framework of their constitutional regime [,domestic law] and administrative organization a central office for the supervision and co-ordination of all operations necessary to prevent the illicit traffic and for ensuring that steps are taken to prosecute persons guilty of such traffic.

(*b*) This central office:

(i) Shall be in close contact with other official institutions or bodies dealing with drugs;

(ii) Shall centralize all information of a nature to facilitate the investigation and prevention of the illicit traffic;

(iii) Shall be in close contact and may correspond direct with the special administrations (central offices) of other States; and

(iv) Shall co-operate with the special administrations (central offices) of other States to the greatest extent possible in order to facilitate the prevention and punishment of the illicit traffic.

(*c*) The powers and functions of the central office may be entrusted to the special administration referred to in paragraph 1.

3. In States, the constitutional regime and administrative organization of which allows of such a procedure, the functions of the special administration and the central office shall be in the hands of a single authority.

Annex E

SECTION 29 [14]

1. If they have not already done so the Parties shall create a special administration for the purpose of:

(*a*) Applying the provisions of the present Convention;

(*b*) Regulating, supervising and controlling the cultivation, production, manufacture of, and trade in drugs [,] [and] plants [,] [and] [parts of plants] [and substances] in so far as these operations fall within the scope of this Convention; and

(*c*) Organizing the campaign against the drug habit by taking all useful steps to prevent its development and to suppress the illicit traffic;

2. Without prejudice to the generality of the provisions of paragraph 1, sub-paragraph (*c*) of this Section, the special administration shall function as a central office which shall:

(*a*) In close contact with other official institutions or bodies dealing with drugs centralize all information of a nature to facilitate the investigation and prevention of the illicit traffic; and

(*b*) Be in close contact and co-operative with, and may correspond direct with, the special administrations (central offices) of other States to secure such information and to facilitate the prevention of illicit traffic and the punishment of illicit traffickers.

3. In States, the constitutional regime and administrative organization of which allows of such a procedure, the functions of the special administration and the central office shall be in the hands of a single authority.

[13] E/CN.7/AC.3/7, pp. 36-37.

[14] Document E/CN.7/AC.3/3, p. 15.

[E/CONF.34/L.28]
[*15 March 1961*]
[*Original: English*]

International Civil Aviation Organization: communication regarding article 42

" The particular circumstances and conditions surrounding air transport are different in certain respects from surface forms of transport and it was our hope that this would be recognized. When an aircraft, in transit, lands at an airport and takes off again after 30 to 45 minutes, it remains under customs surveillance during that time (there are only a few cargo/baggage unloading hatches, relatively close together, even on the largest jet aircraft). When a consignment of drugs is on board that aircraft and is not removed from the hold of the aircraft, it seems that it is unnecessary to apply the provisions of paragraph 11 of Article 42 because not only do the drugs not 'enter' the State for practical purposes, but the vehicle is under effective customs supervision during the very short period it is on the ground. The situation in respect of air transport is quite different from drugs in transit, e.g., on a train or a truck, which may be travelling for many hours or even days through the territory of a State.

" We are therefore anxious to have the particular features of modern air transport recognized in your new Convention. The general practice now followed is that there is no inspection of transit cargo that remains in the cargo bins of an aircraft and does not enter a country, and no presentation of documents for such cargo is required. Countless delays are avoided and adequate security is obtained by the simple system of keeping the transitting aircraft under surveillance. If it is not possible to maintain this situation by amending paragraph 11 of Article 42 accordingly, it would be desirable to amend paragraph 14 somewhat along the following lines:

'The provisions of paragraphs 11 to 13 relating to the passage of drugs through the territory of a party do not apply where the consignment in question is transported by an aircraft which does not land in the country or territory of transit. When an aircraft, passing through the territory of a party, lands in that territory, the provisions of paragraph 11 shall not, except in special circumstances, be applied to consignments that remain on board the aircraft as long as the aircraft is under the supervision of the public authorities concerned '."

[E/CONF.34/L.34]
[*20 March 1961*]
[*Original: French*]

Note on poppy straw submitted by the Hungarian delegation

It is generally known that poppy straw has been used as a raw material for the manufacture of alkaloids only since the nineteen thirties. Until recently there were no provisions in force for the control of poppy straw, and only since 1955 has there been any noticeable trend to place it under control. The provisions relating to poppy straw in the Third Draft of the Single Convention on Narcotic Drugs are therefore in general the same as those relating to opium, a fact which is surprising, since poppy straw cannot be regarded as a narcotic. Moreover, those provisions prescribe control measures which are not practicable. The Hungarian Government thinks that the inclusion of such rigorous provisions in the Convention is unjustified and would like, in order to explain its position, to state the following basic principles.

With regard to the opium poppy, the purpose of cultivation is the decisive factor.

Furthermore, it is useless to exercise severe control over poppy straw since there has not been any abuse in this regard in the past and there cannot be any in the future. The reason for this is that poppy straw has to be subjected to an extraction process requiring a very complicated installation which could not be set up clandestinely.

It is evident that, in the one hand, certain provisions of the draft Convention are not applicable to poppy straw and, on the other hand, that the enforcement of certain other provisions would present difficulties in countries where the opium poppy is at present cultivated exclusively for nutritional purposes.

For the reasons set out below, it is essential to continue the manufacture of alkaloids from poppy straw.

Certain provisions of the draft Convention which relate to poppy straw should therefore be amended or deleted.

Under the terms of the draft Convention, the opium poppy cultivated for nutritional purposes would be generally subject to the same regulations as the poppy cultivated for the purpose of producing opium, in spite of the fact that the straw of the poppy cultivated for nutritional purposes cannot be considered a narcotic and is used only incidentally for the purpose of manufacturing alkaloids. It must also be pointed out that, up to a certain stage, poppy straw is nothing more than an agricultural waste product.

It is therefore essential to be able to distinguish clearly between the purposes for which the poppy is cultivated. That is all the more feasible and necessary since the poppy is cultivated either for the purpose of extracting opium or for the purpose of extracting seeds, but never for the exclusive purpose of producing poppy straw. Such a course would not, moreover, have any justification, as production costs would be too high in relation to the morphine content of poppy straw, which is only between 2 and 4 per mil, and thus only one fiftieth of that of opium.

The provisions of the Single Convention, as in general all the provisions of the conventions on narcotic drugs, are intended to prevent possible abuses and to enumerate the penalties to be imposed on persons guilty of abuses.

In considering the problem of poppy straw from this point of view, it must be pointed out that no abuse has occurred in Hungary in either the distant or the recent past, so that rigorous control measures appear superfluous.

No cases where drug addicts use poppy straw as a narcotic have come to light either in Hungary or in other countries where the poppy is cultivated for nutritional purposes.

It must again be repeated that poppy straw from which the precious fruit, the poppy seed, has been extracted is actually an agricultural waste product, which has become utilizable only through a brilliant invention of the Hungarian pharmacist Kabay. Formerly, poppy straw was merely burned by the cultivators or used as bedding for cattle.

The Hungarian delegation will proceed to analyse the different kinds of abuse which in a general way are likely to arise in respect of any narcotic drug. The purpose here is to show that these abuses cannot arise with regard to poppy straw.

It may be asked:

(1) Whether poppy straw is likely to be the subject of illicit internal traffic or of illicit export or import traffic;

(2) Whether the use of poppy straw as a narcotic drug is possible before it is used for the manufacture of alkaloids;

(3) Whether the illicit manufacture of alkaloids is possible in clandestine factories or laboratories.

With regard to the first question, it is evident, firstly, that no illicit traffic in poppy straw would be possible in any country because it cannot be used as a narcotic drug, as will be seen below, and, secondly, that poppy straw is so bulky that it cannot be smuggled across frontiers.

Although none of the literature on the subject and no United Nations documents mention cases of abuse of poppy straw by drug addicts, consideration must be given to whether there is in general any theoretical possibility of such abuse. In putting forward its arguments, the Hungarian delegation ventures to draw on data contained in the articles written by Dr. Willy Küssner of Darmstadt and Dr. István Bayer of Budapest which are reproduced in document E/CONF.34/4.

A rapid calculation will furnish valid proof. Fifty g of dried poppy capsules, that is to say, only the part of the plant with the highest morphine content, will contain approximately ten cg of morphine. Employing an extraction process simple enough to be accessible

to all, only about 20 per cent of the total morphine content, or about 2 cg, can be recovered. To obtain this result the procedure is as follows: the 50 g of crushed poppy capsules (the volume of which, owing to the low specific weight, is approximately 600 cc) are heated in a litre of acidified water; the filtrate will be approximately 600 cc, since the substance of the capsule absorbs water and swells up. The filtrate will contain roughly 18 to 20 mg of morphine, that is to say, 3 mg per decilitre.

This liquid cannot be concentrated by ordinary methods; it requires a well-equipped chemical laboratory and professional knowledge of a high order. A drug addict would therefore have to drink several litres of the liquid at a time to obtain enough morphine. Moreover, this decoction contains, in addition to the small quantity of morphine, other opium alkaloids and extractive by-products which have undesirable side effects and an unpleasant taste. Since addicts seek a rapid and ever-increasing effect they soon discover that it is not worth their while to use poppy straw as a source of supply.

That is why morphine addicts, even those who live in a region where the poppy is grown for nutritional purposes, never consume poppy straw or drink decoctions made from it.

It can therefore be asserted that there is no danger that poppy straw or poppy capsules may give rise to addiction. This is a fact that has been borne out by the experience of several centuries and there is no reason to believe that such abuses may occur in the future.

The conclusion may similarly be reached that the illicit manufacture of opium alkaloids in clandestine factories or laboratories is completely ruled out. It is appropriate to consider first the legal manufacture of these alkaloids.

According to available information, an average factory with a monthly output of 100 kg of morphine requires roughly eighty tons of raw material per month, a quantity which, because of the low specific weight of the poppy capsule, corresponds to a volume of about 1,000 cubic metres.

As the poppy straw is harvested only once a year, this means that enormous storage sheds are required to protect the straw against humidity.

Moreover, the vessels used for extraction, solution and precipitation must hold several thousand litres, and filtration and distillation apparatus of corresponding size are also needed.

A factory with this equipment costs several million dollars.

The illicit manufacture of morphine would no doubt have to proceed along similar lines even if the circumstances were different. It would require a complicated though smaller installation, and adequate sources of power. For instance, the manufacture of one kg of morphine by the Kabay process, which is one of the simplest, would require among other things 700 to 800 kg of poppy capsules, for which vessels with a total capacity of upwards of 10,000 litres approximately, would be needed.

A laboratory installation for the manufacture of even such a small quantity of morphine would cost between 100,000 and one million dollars. On the other hand, clandestine manufacturers of alkaloids can easily obtain one kg of morphine from approximately 9 kg of opium without any special installation and at little cost in comparison with the illicit market price of opium alkaloids.

It is interesting to recall that a member of the League of Nations Opium Section sent on a mission to Hungary in 1934 was led to similar conclusions (League of Nations document C.256.M.105.1934.XI, pages 8, 35 and 36). The relevant memorandum contains the following passage:

> " From the administrative point of view, the control of poppy straw as such must be regarded as superfluous; it is not dangerous in itself and is unlikely to pass into the illicit traffic. Moreover, its control as raw material actually utilized for manufacture is greatly facilitated for the reasons mentioned above — namely, the impossibility of concealing the raw material or of clandestine manufacture (see paragraph 11)."

Paragraph 11 reads as follows:

> " As large quantities of poppy straw are required for manufacture," (as was stated above, 1.000 kg of poppy straw yield 800 g of morphine) " it is impossible in practice, to conceal the raw material. As, moreover, manufacture cannot take place in small laboratories, but only in large factory premises, secret manufacture is practically impossible."

It was shown above that strict control of poppy straw is superfluous because, on the one hand, there has been no abuse of in the past, and, on the other hand, examination has shown that the three ways in which it might theoretically be abused would in fact be impracticable.

Certain provisions of the draft convention would be difficult to apply for countries where the poppy is cultivated primarily for food or industrial purposes.

According to the statistics, some European countries produce 1,000 to 10,000 tons of poppy seed a year and cultivate some tens of thousands of hectares for that purpose. All this shows the great importance of poppy seed, not only as a food, but also as an item of agricultural production. The annual demand for poppy seed in Hungary, for example, is 5,000 tons, or half a kilogram per person.

If strict control measures came into force, the countries concerned, including Hungary, would have to use a considerable part of their rolling stock to transport the whole of their poppy straw output to a single processing factory and in Hungary, for example, the 10,000 tons of poppy straw produced would require 100,000 cubic metres of storage space. It goes without saying that at the moment such space is not needed, since the alkaloids factory in Hungary buys from the growers only the amount corresponding to its production and storage capacity. The rest is used by the growers as agricultural waste.

To impose strict control measures on growers and to subject the alkaloids factory to the difficulties mentioned

above would inevitably lead to a reduction of poppy cultivation or to its complete cessation. It is quite unacceptable that pointless restrictions should endanger the more or less traditional use of the poppy for food and should impose an economic burden on the growers.

In several thousands of Hungarian villages some 70 to 80 per cent of the poppy crop is grown in fields used exclusively for that purpose and some 20 to 30 per cent in market gardens or as a catch crop on other plots. To exercise control over several thousand growers would be unthinkable, unless each State set up very expensive administrative machinery to control a plant which is not in itself in any danger of abuse. One cannot see whom these measures would protect against what. The Hungarian Government does not consider that the Single Convention should have this purpose. Poppy grown for food should not come under the Convention on Narcotic Drugs, which should control only narcotic drugs.

It is necessary to continue the manufacture of alkaloids from poppy straw for the following reasons:

There has never been an illicit traffic in poppy straw and by the nature of things there could not be. In this respect it undoubtedly has a great advantage over opium, in which there has been an illicit traffic for decades without anyone being able to put a stop to it. Thus, in 1959 alone more than twenty-five tons of illegally imported or exported opium was confiscated;

Poppy straw cannot be used by drug addicts, either in its unprocessed form or after the alkaloids have been extracted by simple methods. The use of opium as a narcotic drug on the other hand, is only too well known. One advantage of manufacturing alkaloids from poppy straw is precisely that the opium phase is eliminated;

The manufacture of alkaloids from poppy straw in clandestine factories is impracticable. Every year, however, one hears of the discovery of clandestine factories making alkaloids from opium. Since such factories are usually situated some hundreds of kilometres from the place where the opium is produced, opium lends itself to two sorts of abuse: smuggling and illicit manufacture;

In some recent years the world production of opium would not by itself have sufficed to meet the demand for alkaloids for medical and scientific purposes;

As is well known, the world demand for opium alkaloids is calculated from the quantities given in the estimates prepared for the following year by all Governments. In the case of the most important opium alkaloids — crude morphine and codeine — the quantity actually produced in the fifties was lower every year than the quantity stated in the estimates, that is, it was less than the demand.

The crude-morphine estimate for all Governments for 1959 was about 111 tons, and it was only by manufacturing a considerable quantity of morphine from poppy straw that the demand could be met, to the extent of about 108 tons. It is not yet known whether it proved possible to deliver the 123 tons of crude morphine estimated for 1960. The shortage of codeine is even greater. Against an estimate of 105 tons for 1959, only about 97 tons were manufactured and it is not certain that codeine production in 1960 will have reached the estimate of 106 tons. This alkaloid is becoming more and more important therapeutically every year.

Generally speaking, only a very small amount of morphine is manufactured from crude morphine. In 1959, output was about four tons. A considerable proportion of raw morphine, 85 to 89 per cent, is used to make codeine. Whereas in 1948 world production of codeine was only 44 tons, it was 97 tons, or more than double, in 1959.

As far as the shortage of opium alkaloids is concerned, the situation must be considered in the light of the production figures for the most important raw material, opium. The licit world production of opium fell from 1,295 tons in 1953 to 1,098 tons in 1959, its lowest level during that period being 714 tons and the average, 805 tons. As the amount of alkaloid made from opium and poppy straw was not sufficient to meet the ever-increasing demand for opium alkaloids, it was necessary to call on the opium reserves. Whereas at the end of 1953 the world opium reserves were 1,744 tons, the amount in stock towards the end of 1959 was only about 860 tons, a quantity less than the annual opium demand.

The production capacity of countries manufacturing alkaloids from poppy straw must therefore be maintained. In 1959 these countries manufactured about 21 tons of crude morphine. By rough calculation, 150 to 200 tons of opium, or twenty per cent more than current production, would have been needed to produce the same amount.

That is a further reason why the Convention now being prepared should not contain restrictions which would lead inevitably to a reduction in the quantity of alkaloids obtained from poppy straw.

It must be added that, despite the appearance of synthetic drugs in great quantities, the demand for opium alkaloids continues to grow.

It cannot be denied that the quantity of alkaloids manufactured from poppy straw greatly affects world prices for the alkaloids in question, acting almost as a price regulator. If the quantity of alkaloids made from poppy straw were subtracted from world production, there is the danger that, by the operation of the law of supply and demand, alkaloid prices would greatly increase.

It must also be noted that it is easier to control the manufacture of alkaloids from poppy straw than that of alkaloids made from opium, in view of the fact that control of poppy straw is unnecessary until the moment when alkaloid manufacture begins at the factory. This leads to a considerable saving of time and money, since it is not necessary to maintain a special control body, as in the case of opium. For example, as a result of control exercised in this way at the present time in Hungary, no alkaloids pass into the illicit traffic.

To sum up, it must be agreed that in order to relieve the sufferings of mankind, cure diseases and continue the campaign against the abuse of narcotic drugs, the manufacture of alkaloids from poppy straw must be

continued. That is so true that it may be said with justice that if this process did not exist, we should have to invent it.

It can be asserted, therefore, in principle, that international and national control of any practice, or of persons and things connected with that practice, is not necessary unless there is a danger of abuse. Any preventive procedure is also superfluous. Control only becomes necessary, as we have seen with reference to poppy straw, when factory production of alkaloids has already begun.

The Governments of a number of countries where alkaloids are manufactured from poppy straw have made observations concerning certain provisions of the draft Convention, which are given in the Compilation of Comments on the Single Convention (E/CONF. 34/1). The comment made by the United Kingdom Government (page 105) deserves attention, although the United Kingdom Government has no direct interest in these provisions, since poppy straw is of negligible importance as a source of supply of morphine in the United Kingdom.

We cannot but agree with the United Kingdom Government, which says, among other things, that the further requirement made by the Convention of the application of a system of domestic control to the cultivation of poppy straw seems to it not only unnecessary but impracticable and vexatious.

Finally, there is the opinion expressed by the Permanent Central Opium Board and the Drug Supervisory Body. According to their comments, which appear in the same Compilation (page 110), these two bodies have doubts as to the practicability of all the provisions on poppy straw.

Although the Convention must contain effective regulations on drug control, it would be going too far to set up a system of control for a plant which for centuries has been grown in large quantities for food, despite the fact that no case of drug addiction has ever resulted from use of the plant, or, more exactly, of that part of the plant known as poppy straw.

The Hungarian delegation has defined its position on certain questions of principle to which it attaches importance and declares that it would be advisable to consider carefully whether it would not be appropriate to delete the unnecessary provisions or to modify some of them.

[E/CONF.34/L.44]
[*23 March 1961*]
[*Original: English*]

Normethadones

NOTE BY THE PERMANENT OBSERVER FOR THE FEDERAL REPUBLIC OF GERMANY TO THE UNITED NATIONS

The Permanent Observer for the Federal Republic of Germany to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to Report E/DSB/18 of the Drug Supervisory Body, has the honour to communicate the following:

On page X of the above-mentioned report the Drug Supervisory Body, under the chapter entitled " Normethadone ", stated that not until 1 October 1960 — i.e., thirteen months after having become party to the Protocol of 1948 — did the Federal Republic of Germany place the drug " normethadone " under national control and that by the time the report of the Supervisory Body was being written no estimates on this drug had yet been submitted on the part of the Federal Republic of Germany. The Supervisory Body made clear that it considered this conduct of the Federal Republic of Germany incompatible with the spirit of the Protocol of 1948.

The Government of the Federal Republic of Germany takes the liberty of commenting on the above statement as follows:

At the 438th meeting of the United Nations Commission on Narcotic Drugs, on 26 April 1960 in Geneva, the Observer for the Federal Republic of Germany stated " that his Government, which had ratified the Protocol of 19 November 1948, was preparing an ordinance under which drugs listed in notifications of the Secretary-General would be subject to legislative controls ". He further stated that " a constitutional problem had arisen, in that connexion, turning on whether or not a regulation making new products subject to the Federal Opium Law required the approval of the *Bundesrat*. However, by virtue of a very recent ruling, such regulations would in the future be submitted directly to the Cabinet and, if approved, would come into force within three months after notification of the new products by the Secretary-General " (E/CN.7/SR.438, p. 3).

In the report of the Commission on Narcotic Drugs on its fifteenth session this statement by the German Observer reappears in the following form:

> " 47. In connexion with the control of synthetic narcotics, there was considerable discussion on the drug normethadone, which was discussed at the fourteenth session of the Commission. The observer for the Federal Republic of Germany said that earlier action to place normethadone under control in his country had been delayed by a constitutional difficulty which had now been overcome, and that this drug would shortly be placed under control " (E/3385 — E/CN.7/395, p. 13).

As it may be assumed that this statement by the Observer for the Federal Republic of Germany was known to the members of the Supervisory Body through document E/CN.7/438 or through document E/3385, and as the report of the Supervisory Body was concluded twenty-eight days after the entry-into-force of the ordinance placing the drug in question under national control, the Federal Government believes that to call its conduct incompatible with the spirit of the Protocol of 1948 lacks justification. Hence, it regrets this remark on the part of the Supervisory Body.

Also, the Federal Government does not consider it necessary to include in the Single Convention a stipulation designed to prevent such situations because it

is of the opinion that the provisions of a convention cannot influence the constitutional process of national legislation.

The Permanent Observer of the Federal Republic of Germany to the United Nations, on behalf of his government, has the honour to request the Secretary-General of the United Nations to circulate the text of this note among the delegations to the Conference for the Adoption of a Single Convention on Narcotic Drugs and among the members of the Drug Supervisory Body.

V. — SUMMARY RECORDS OF THE COMMITTEES

1. General Committee

FIRST MEETING

Wednesday, 25 January 1961, at 11 a. m.

Chairman: Mr. SCHURMANN
(President of the Conference)

Arrangement of business
(E/CONF.34/3; E/CONF.34/C.1/L.1)

The CHAIRMAN said the first duty of the Committee was to consider the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3); he briefly outlined the functions of the General Committee, the Credentials Committee, the Drafting Committee and the Technical Committee. With regard to the other committees mentioned in paragraphs 7 and 8 the Conference might find it convenient to adopt the suggestion to appoint small *ad hoc* committees or working groups to re-draft articles or parts of articles to which amendments were proposed. They would include the authors of amendments and any other interested parties, but should be kept as small as possible, and would submit a single compromise text or, if that proved impossible, alternative drafts, for consideration by the plenary Conference.

Mr. TABIBI (Afghanistan), referring to paragraph 4, asked whether he was correct in assuming that a Vice-President who was also chairman of a committee would not be disqualified from voting in the General Committee in his capacity as Vice-President, although he would have no vote as chairman of a committee.

The CHAIRMAN replied that that assumption was correct.

Mr. TABIBI (Afghanistan) expressed the hope that the bulk of the work of the Conference would be completed before the resumption of the session of the General Assembly, because small delegations like his own would be unable to attend both simultaneously.

The CHAIRMAN said that that hope would probably be realized if the Conference adhered to the time-table proposed in document E/CONF.34/C.1/L.1. He proposed that, before considering that document in detail, the Committee accept as a general guide the suggestions for the organization of work contained in document E/CONF.34/3.

It was so decided.

The CHAIRMAN invited the Committee to consider the note by the Secretariat on the division of the Convention and outline time-table (E/CONF.34/C.1/L.1) which, together with paragraphs 11 and 12 of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3), really constituted the agenda of the Conference.

Mr. GREEN (United Kingdom), with reference to sub-paragraph 3 (*a*), said he agreed that it would be appropriate for articles 2 and 3 to be considered as one group, but felt that a decision should be taken on article 2 before article 3 was taken up. Article 2 raised an important question of principle regarding the mandatory prohibition of certain drugs. Article 3 raised a number of other questions as well, and discussion of those questions would be simplified if the question of prohibition had first been decided.

The CHAIRMAN said that, while he fully understood the United Kingdom representative's point, there was no need to alter the grouping suggested, since the Conference could vote on the articles in whatever order it deemed appropriate.

Mr. BANERJI (India) said that control measures for opium poppy, coca leaf and cannabis covered by sub-paragraph 3 (*c*), (*d*) and (*e*), should be considered together, as they involved similar problems. It would be logical to consider first control measures for those parts of the plants that contained most of the narcotic substance, and then measures for the rest of the plants. Furthermore, in the interests of uniformity and conciseness, the provisions relating to all three plants should be considered by a single working group.

Mr. MENEMENCIOGLU (Turkey) urged that each of the three parts should be studied separately, because the control measures were very different in each case.

Mr. YATES, Executive-Secretary, said that there were common as well as disparate elements in sub-paragraphs 3 (*c*), (*d*) and (*e*) and there was one objection to considering the three parts together, namely, that the working group would have to be very large if it was to include all the delegations interested in one or other of the parts. Many delegations were interested in only one of them. Some co-ordination would be needed, however, if there were to be three separate working groups; that could perhaps be achieved by appointing the same chairman for all three groups.

Mr. BITTENCOURT (Brazil) asked whether there would be a preamble to the Convention, as was the normal practice.

The CHAIRMAN pointed out that a " preamble (if any) ", was mentioned in sub-paragraph 3 (*m*). The Secretariat would prepare a text for consideration by the Conference.

Mr. MENEMENCIOGLU (Turkey) asked whether the parts were to be taken up in the order indicated in paragraph 3; if so, it was undesirable to leave the definitions to the last, as the Conference would be unable to adopt the articles until the definitions of the terms they contained had been decided. He suggested that a working group be appointed to consider the definitions while the other work was proceeding.

The CHAIRMAN said the definitions would have to be considered *pari passu* with the articles to which they related.

Mr. MENEMENCIOGLU (Turkey) said that that arrangement would be quite satisfactory, provided the definitions affecting any given article were adopted before the article itself was voted on.

The CHAIRMAN suggested that the Committee approve the division of work and the time-table proposed in paragraphs 3 and 4 of document E/CONF.34/C.1/L.1.

It was so agreed.

The meeting rose at 11.45 a.m.

SECOND MEETING

Tuesday, 14 February 1961, at 12 noon

Chairman: Mr. SCHURMANN
(President of the Conference)

Time-table of the Conference (E/CONF.34/C.1/L.1)

The CHAIRMAN said that the purpose of the meeting was to review the progress of the Conference and consider any suggestions for improving its methods of work. The time-table outlined in paragraph 4 of the note by the Secretariat (E/CONF.34/C.1/L.1) had by and large been adhered to. The *ad hoc* Committees on part (*a*) (articles 2 and 3), part (*b*) (articles 30 and 40-43) had completed their work and so had that on part (*c*) (articles 31-34) and part (*d*) (articles 35-38), except for some final decisions which had been deferred till the coming Friday, 17 February. The plenary meeting to be held later in the day would thus be able to deal with the report on part (*a*) (articles 2 and 3) and perhaps with part of the report on part (*b*) (articles 30 and 40-43).

As paragraph 1 of the Secretariat note implied, the work of the Conference would be expedited if some parts of the Convention could be dealt with by the plenary Conference without having to be referred to an *ad hoc* Committee. Of course, the Conference itself would decide that question in each instance, but he hoped that no *ad hoc* Committee would be needed for such a short and generally accepted article as article 47 or for the final clauses, in articles 48-57, which were similar to final clauses in other conventions.

Mr. RODIONOV (Union of Soviet Socialist Republics) pointed out that the report of the *ad hoc* Committee on part (*b*) (articles 30 and 40-43) had been distributed only that morning and that the Russian translation was still not available; it would therefore be difficult to discuss any part of the report at the plenary meeting later in the afternoon. He suggested that there should be an interval of at least twenty-four hours between the distribution of a document and its consideration by the Conference, and that the translations of documents should be available before any such consideration.

The procedure in the *ad hoc* Committees could be improved in at least one respect. Members made observations and suggestions on the texts before them but often did not see what was included in the *ad hoc* Committee's report, which was prepared by the Secretariat on the basis of the summary records. It would be an improvement if the *ad hoc* Committees were able to examine and adopt their own reports.

The CHAIRMAN said he agreed with the Soviet representative's first suggestion; the report on part (*b*) (articles 30 and 40-43) would accordingly not be taken up at the afternoon plenary meeting. With regard to his second suggestion, he doubted whether it would be practical, if they were to adhere to the time-table, to require the *ad hoc* Committees to adopt their reports. If there were no objection, he would prefer to leave it to each Committee to decide whether it should examine and adopt its report.

Mr. GREEN (United Kingdom) said that while he welcomed the Chairman's announcement concerning the Conference's progress, a great deal remained to be done and there was still room for improvements that would save time. He supported the Chairman's view that *ad hoc* Committees could be dispensed with for some parts of the Convention.

Members should be asked to omit from their statements at plenary meetings considerations relating to matters that would be dealt with in the *ad hoc* Committees, and should also be told that they could, if they wished, serve on such Committees without first having to make statements in the plenary meetings on the parts in which they were interested. Again, where it appeared necessary for the plenary Conference to decide on a quetion of principle before referring a part to Committee, members should be invited to do so at the plenary meeting. His delegation had objected to the taking of such a decision in respect of article 2, but that course might nevertheless be advisable in other cases.

The CHAIRMAN said he could accept all but the last of the United Kingdom representative's suggestions. It was for the plenary Conference itself to decide whether guidance should be given to a particular *ad hoc* Committee.

Mr. de BAGGIO (United States of America) said he was glad to learn that his delegation's impression that the Conference was behind in its work was mistaken. He had understood that the *ad hoc* Committee on part (*b*) (articles 30 and 40-43) had not yet completed its consideration of article 42.

Mr. BANNERJI (India) asked what items would be on the agenda of the plenary meetings for the current week.

Speaking as Chairman of the *ad hoc* Committee on part (*b*) (articles 30 and 40-43), he confirmed that his Committee had not finished its work on article 42.

With reference to the Soviet representative's observations, he said it might be an advantage if the *ad hoc* Committee held an extra meeting for the purpose of adopting its report in cases where principles, rather than a specific text, had been recommended to the plenary Conference.

The CHAIRMAN said that it was proposed to include in the agenda for the plenary meetings during the remainder of the current week the Committee reports relating to parts (*a*) (articles 2 and 3), (*b*) (articles 30 and 40-43) and (*d*) (articles 35-38); article 47, without reference to a committee; and possibly the introductory discussion on part (*g*) (articles 4, 20, 21 and 26-29). So far as part (*b*) (articles 30 and 40-43) was concerned, he suggested that the articles already dealt with by the *ad hoc* Committee be taken up by the plenary Conference and that the *ad hoc* Committee present a supplementary report when it had completed its work.

Mr. CURRAN (Canada), speaking as Chairman of the Drafting Committee, urged that the Drafting Committee should not be asked to meet simultaneously with other Conference bodies. He also suggested that members who made casual suggestions for the Drafting Committee in the course of statements be asked to communicate those suggestions to the Drafting Committee in writing.

The CHAIRMAN said that every effort would be made to avoid clashes in the times of meetings. He would make an announcement in the plenary Conference asking that oral suggestions for the Drafting Committee should also be submitted in writing.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that, while he agreed in principle with those who wished to speed up the work of the Conference, quality should not be sacrified to speed; the Convention was an important international instrument and would remain in force for many years. As regards the adoption of articles or parts without reference to an *ad hoc* Committee, it would be premature to decide such a question until after the first reports to the plenary Conference had been discussed.

The CHAIRMAN explained that he had put forward the suggestion with the idea that, if it were found that certain parts could be dealt with directly by the plenary Conference, that should be done.

Dr. MABILEAU (France) said that, although he was aware of the difficulties involved, he hoped the Secretariat would succeed in reducing the delay in the preparation of the French translations of Conference documents.

Mr. MAURTUA (Peru) said he could not agree that the final clauses were non-controversial. Article 56, paragraph 4, imposed certain restrictions on reservations to the Convention, and the question of reservations usually gave rise to difficulties. It seemed to him that the final clauses would have to be referred to an *ad hoc* Committee.

The CHAIRMAN said he must repeat that no final decision was being taken on the question. However, the mere fact that there was disagreement on a text was not sufficient reason for referring it to an *ad hoc* Committee. An *ad hoc* Committee was needed when it was necessary to prepare a new text.

The meeting rose at 12.45 p.m.

THIRD MEETING

Tuesday, 28 February 1961, at 2.55 p.m.

Chairman: Mr. SCHURMANN
(President of the Conference)

Arrangement of business (E/CONF.34/C.1/L.2)

The CHAIRMAN invited the Committee to consider document E/CONF.34/C.1/L.2 which showed in tabular form the progress made by the Conference on the various articles of the third draft. The *ad hoc* Committee on part (*a*) (articles 2 and 3) had almost completed its work, but would have to wait until the Conference had acted on article 54 before considering paragraph 9 of article 2 (E/CONF.34/C.2/L.7), and until it had acted on article 10 before considering paragraphs 7 and 8 of article 3 (E/CONF.34/C.2/L.7). The *ad hoc* Committee on part (*b*) (articles 30 and 40-43) would have to await the study of the provisions on estimates before taking up paragraph 1 of article 42 and the study of the penal provisions (part (*k*)) (articles 44-46) if it was also to consider article 25. The *ad hoc* Committee on part (*c*) (articles 31-34) had not yet taken a decision on articles 32 and 33, but hoped that agreement would soon be reached. Articles 36 and 37 had been referred back to the *ad hoc* Committee on part (*d*) (articles 35-38) which would complete its study of those articles shortly. Both the *ad hoc* Committee on part (*e*) (article 39) and the Technical Committee had completed their work. Part (*f*) (article 47) had been referred direct to the Drafting Committee. Part (*g*) (articles 4, 20, 21 and 26-29), part (*h*) (article 22), and part (*i*) (articles 5-19, 23 and 24) had still to be considered. It would probably be necessary to set up an *ad hoc* committee to study articles 44 to 46 (part (*k*)) on penal sanctions. On the other hand, the examination of the definitions (part (*m*)) was completed, and the general provisions contained in articles 48 to 57 (part (*l*)) could no doubt be discussed in plenary meeting.

He hoped the *ad hoc* Committees would conclude their work by the end of the week so that the Conference would have time to consider their reports and the articles in parts (*k*) (articles 44-46) and (*l*) (articles 48-57)

in plenary meeting. He also hoped that the Credentials Committee would be able to meet in the near future.

Mr. CURRAN (Canada), Chairman of the Drafting Committee, explained that, although it had now completed its report on articles 2, 3, 30 and 40, it could not complete the drafting of articles 41, 42 and 43 until a final decision had been taken by the *ad hoc* Committee on part (*b*) (articles 30 and 40-43). The Drafting Committee would have to hold more frequent and longer meetings if it was to finish its work in time. To save time, it was often preferable to refer articles direct to the Drafting Committee. All that was needed was that the Committee should be given clear instructions, since an international convention, which had to take account of legislative and administrative differences between countries, did not call for the same degree of precision as national legislation; the important thing was that the provisions should be clear, so that it was readily apparent to every country what legislative measures it had to take.

The CHAIRMAN said that the Secretariat would make the necessary arrangements for the Drafting Committee to meet every morning from 10 a.m. to 1 p.m. In reply to a question by Mr. CURRAN (Canada), he said he thought it unlikely that articles 44 to 46 could be discussed in plenary meeting without being referred to an *ad hoc* committee.

Mr. YATES, Executive Secretary, said he felt that, in view of the difficult and controversial points arising on articles 44 to 46, they should not be examined in plenary meeting without prior reference to an *ad hoc* Committee. In reply to a question by Mr. BANERJI (India), he explained that for budgetary reasons it was very difficult to arrange for Saturday or night meetings. If the Conference thought it would have difficulty in finishing its work in time, it might be better to think first in terms of longer meetings. In any event, it was most desirable that the Conference should try to finish its work by the scheduled date, 17 March.

Mr. RABASA (Mexico) pointed out that a number of delegations had commitments which made it impossible for them to remain in New York after 17 March. It was therefore essential that the Conference should not continue beyond the scheduled date. It might be useful to suggest that statements be kept as brief as possible, without prejudice, of course, to the right of every delegation to state its position freely.

The CHAIRMAN said he thought that the Conference ought to be able to finish its work by the scheduled date. The General Committee could meet again the following week to consider any steps which might have to be taken for that purpose.

Mr. MAURTUA (Peru) said that he had already drawn attention to the difficulties which might be raised by the general provisions and particularly by the articles relating to territorial application, amendments, disputes and reservations. It was therefore desirable that those provisions should be considered in plenary meeting as early as possible, so that they could, if necessary, be referred to an *ad hoc* committee without delay. That would help to save time and would improve the chances of finishing by the scheduled date.

The CHAIRMAN said that the final clauses were practically identical in all conventions and gave rise to the same difficulties in all United Nations conferences. Their discussion in plenary meeting should not therefore present any problems, as the various possibilities were clear to all delegations.

The meeting rose at 3.30 p.m.

FOURTH MEETING

Tuesday, 14 March 1961, at 5.45 p.m.

Chairman: Mr. ASLAM (Pakistan)

Arrangement of business (E/CONF.34/C.1/L.2/Rev.2)

The CHAIRMAN invited the Executive Secretary to comment on the situation of the Conference in the light of document E/CONF.34/C.1/L.2 which showed in tabular form the progress made on the various articles of the third draft.

Mr. YATES, Executive Secretary, said that although there was still a great deal to do, there appeared to be general agreement among delegations that it was desirable that the Convention should be signed before Easter. The Secretariat would need four or five days for translation and the final editing of the text. For the Convention to be opened for signature on 28 March, the meetings would have to be over by 22 March at the latest. Consequently, the Conference would have to be prepared for at least one night meeting. A good deal of work was likely to accumulate for the Drafting Committee by Saturday, 18 March, and it might wish to hold two meetings on that day or one long meeting until 3 or 4 p.m. The Secretariat would be able to service the meetings.

Mr RABASA (Mexico) asked whether the decision to hold the signature ceremony towards the end of March was final. Representatives wished to book their passage home and might have to ask their Governments for instructions.

The CHAIRMAN said that the final decision was naturally a matter for the Conference itself; in the circumstances it should make every effort to complete its meetings by 22 March.

Mr. CURRAN (Canada), Chairman of the Drafting Committee, said that the Drafting Committee was not being allowed enough time for its work; it could make no progress if it met for only an hour or an hour and a half a day. As the work of the Conference progressed, amendments to some articles necessitated amendments to others, with the result that not a single article of the draft Convention was yet finished completely. If the Conference wished to complete its work by 22 March,

the Drafting Committee would have to be able to lay the final draft before it on Tuesday, 21 March, at the lastest. It would be too optimistic to expect that there would be no discussion on the final text submitted by the Drafting Committee. The *ad hoc* Committee's reports had led to lengthy discussion on second reading in the plenary conference, so that texts had piled up and it had not been possible to keep them moving through to the Drafting Committee. Under present arrangements he could not promise that the Drafting Committee would be able to finish its work by 21 March, however hard it tried. The best course would perhaps be not for the Drafting Committee to meet on Saturday, 18 March, but for the *ad hoc* Committee or the plenary Conference to hold both night meetings and two meetings the following Saturday, in order to finish their work. The Drafting Committee would then have two or three days in which to put the finishing touches to the draft.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he entirely agreed with the Chairman of the Drafting Committee; he, too, wished to warn representatives against over-optimism. The Plenary Conference still had much to do; it had to complete the examination of the reports of the *ad hoc* Committees, the Drafting Committee and the Technical Committee. It had not yet begun examining the concluding articles of the Convention, which were also important and might have to be amended. In view of all those factors, it would not be excessive to give the plenary Conference until 28 March to vote on the text as a whole. For that purpose, the whole of the final draft would have to be submitted to it by 24 or 25 March. That was not a formal proposal but merely an expression of opinion.

Mr. YATES, Executive Secretary, said that in that case the Convention could not possibly be open for signature before Easter. Doubtless the permanent representatives could be authorized to sign the necessary instruments if delegations had to return home before the signature ceremony. As the Secretariat had already pointed out, however, it would take at the very least four or five days to get the instrument ready in all languages. That meant that, allowing for the interruption of the Easter holidays, it would be impossible to hold the signature ceremony before 11 or 12 April.

Mr. BANERJI (India) said that the Conference should endeavour to complete its work as soon as possible so that the Convention could be opened for signature on 30 or 31 March at the latest. It should be ready to hold both night meetings and Saturday meetings. Like the Chairman of the Drafting Committee, he felt that that Committee should be allowed two or three full days in which to work undisturbed following the completion of all the work of the Conference, which would then only have to vote on the final text.

Mr. BITTENCOURT (Brazil) said that he, too, as a member of the Drafting Committee, felt that that Committee would need at least three days in which to put the finishing touches to the text. The Conference should make every effort to finish before Easter. The representatives who had negotiated that important treaty should be given the opportunity to sign it themselves, which they had full powers to do, instead of leaving that formality to their permanent delegations.

The CHAIRMAN suggested that the first night meeting should be held on Thursday, 16 March, so as to give the Secretariat time to make the necessary arrangements.

Mr. GREEN (United Kingdom) supported that suggestion.

Dr. MABILEAU (France), also supporting that suggestion, said that representatives should not be over-optimistic regarding the chances of finishing before Easter. It would be regrettable if the Conference, which had spent a great deal of time on secondary matters, hurried through the important questions still outstanding, to the detriment of the quality of its work.

It was decided that the first night meeting be held on Thursday, 16 March, at 8.30 p.m.

Mr. WARREN (Australia) asked whether the Conference intended to hold only one night meeting; if not, it would be better to decide straight away when the others were to be held, so that representatives could prepare for them.

Mr. BANERJI (India) suggested that the Conference should decide forthwith to meet on Saturday, provided the necessary Secretariat services were available.

Mr. YATES, Executive Secretary, said that it would create no difficulty if the Drafting Committee met on Saturday, 18 March.

Mr. CURRAN (Canada), Chairman of the Drafting Committee, said that if the Drafting Committee could meet, the plenary Conference or the *ad hoc* Committees should be able to do the same. As he had already pointed out, the Conference ought to complete its work before the Drafting Committee met.

Mr. YATES, Executive Secretary, explained that, because it did not need précis-writers, it would cost less to hold a meeting of the Drafting Committee on Saturday.

Mr. BANERJI (India) supported the Chairman of the Drafting Committee's remarks.

Mr. GREEN (United Kingdom) suggested that arrangements should be made for a night meeting on Friday as well as on Thursday and for one or two meetings of the Drafting Committee on Saturday. The plenary Conference could then review progress on Monday, and decide what was to be done during the ensuing week.

The CHAIRMAN suggested that, before a final decision was taken to hold a night meeting on Friday, those members of the Conference which were not members of the General Committee should be consulted.

Mr. BITTENCOURT (Brazil) said that another way to speed up the proceedings would be to hold longer afternoon meetings.

The CHAIRMAN said that that suggestion would be taken into account.

Mr. RODIONOV (Union of Soviet Socialist Republics) pointed out that at a recent plenary meeting the President had suggested that it might expedite matters if, when a delegation proposed the deletion of part of a text, he put both the retention and the deletion of the passage in question to the vote at once. He asked whether it was proposed to follow that practice for the remainder of the proceedings.

The CHAIRMAN replied that, since the Conference had approved that procedure, it would thenceforth be followed.

The meeting rose at 6.30 p.m.

2. *Ad hoc* Committee on articles 2 and 3 of the third draft

FIRST MEETING

Monday, 30 January 1961, at 3.10 p.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Mr. TABIBI (Afghanistan)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. CURRAN (Canada) proposed Mr. Tabibi (Afghanistan).

Mr. NIKOLIC (Yugoslavia) seconded and Mr. KRUYSSE (Netherlands), Dr. MABILEAU (France), Mr. de BAGGIO (United States of America), Mr. ISMAIL (United Arab Republic), Mr. ACBA (Turkey), Mrs. VASILEVA (Union of Soviet Socialist Republics), Mr. BITTENCOURT (Brazil), Mr. GREEN (United Kindgom), Mr. VERTES (Hungary), Mr. RAJ (India), Mr. AZARAKHSH (Iran), Mr. DANNER (Federal Republic of Germany), Mr. WARREN (Australia), Mr. LIMB (Korea) and Mr. JOURY (Jordan) supported the proposal.

Mr. Tabibi (Afghanistan) was elected Chairman by acclamation and took the Chair.

Consideration of articles 2 and 3 of the third draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-2; E/CONF.34/C.2/L.1)

The CHAIRMAN said the Committee had been set up at the sixth plenary meeting to consider articles 2 and 3 of the third draft. He invited the Committee to consider first article 2; the Canadian delegation had submitted a re-draft of paragraphs 1 and 2 (E/CONF.34/C.2/L.1).

Article 2 (Substances under control)

Paragraphs 1 and 2

Mr. CURRAN (Canada) said that, in preparing a text as a working basis, he had tried to reflect as far as possible the various views expressed in the plenary meetings. Paragraph 1 listed the references implicitly covered by the words " except as otherwise specifically provided " in sub-paragraph 1 (*a*) of article 2 of the draft; the list might not be exhaustive and should be carefully checked. Paragraphs 2 and 4 stated explicitly the meaning of the words " except as otherwise provided " in sub-paragraphs 1 (*b*) and 1 (*d*) of the draft. Paragraph 5 was an attempt to solve the vexed question of mandatory or recommended control of the drugs listed in Schedule IV. It placed the responsibility for the quality of control squarely on the Parties to the Convention and precluded any possibility of a Government being put in a position where it felt it had to reject a recommendation of the International Narcotics Commission. Moreover, it met the question of prohibition, should a party desire to take such action; that applied particularly to the contributions position of the United States.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said that, as the Canadian text had only just been distributed in English and had not yet been translated into the other working languages, she was unable to discuss it. Even when it became available in Russian, her delegation would like to have time to study is thoroughly before expressing any views on it.

Dr. MABILEAU (France) and Mr. ACBA (Turkey), supporting the Soviet representative, said that the same applied to the French text.

Mr. NIKOLIC (Yugoslavia) proposed that, in the circumstances, the Committee postpone its discussion of article 2, certainly of paragraphs 1 and 2.

Mr. de BAGGIO (United States of America) proposed that the Committee take up the remaining paragraphs of article 2 at the present meeting.

The CHAIRMAN said he would put both proposals to the vote.

The Yugoslav proposal was adopted by 22 votes to none, with 4 abstentions.

The United States proposal was adopted by 15 votes to 3, with 5 abstentions.

The CHAIRMAN invited the Committee to consider one by one the remaining paragraphs of article 2, numbered 3 to 5.

Paragraph 3

Mr. de BAGGIO (United States of America) said that the words " synthetic and other " were unnecessary, and he proposed that they be deleted; the rest of the paragraph could stand.

Mr. KRUYSSE (Netherlands) said that the United States proposal seemed logical, since the word " drug ", as defined in article 1 (*k*), clearly included synthetic drugs. He wondered whether paragraph 3 was intended to cover substances which were convertible into the drugs listed in schedules I and II. His delegation believed that intermediate substances which could be used in the illicit manufacture of drugs should be listed in schedule I or in a separate schedule, as was the case in the 1931 Convention. Convertible substances should certainly be placed under control; and a general stipulation requiring the parties to apply measures of supervision was insufficient, since a substance which one particular Government might decide not to place under control could be sold to other countries. As it stood, the paragraph might even cover substances such as acetic anhydride.

Mr. GREEN (United Kingdom), supporting the United States proposal, said the term " synthetic drug " was used nowhere else in the draft except in article 1, where it was defined, and if the United States proposal were adopted, even the definition would become superfluous. The wording of the definition was in any case not entirely satisfactory and an acceptable rewording would be hard to draft. The question whether certain intermediates might be added to schedule I could be left to the Technical Committee; if it were not considered necessary to include them there, he thought that the present paragraph would cover them. A separate schedule for convertible substances seemed unnecessary.

Mr. DANNER (Federal Republic of Germany) said he shared the views of the United Kingdom representative.

Mr. NIKOLIC (Yugoslavia) said that, if he remembered rightly, the Commission on Narcotic Drugs had not been thinking of convertible substances when drafting paragraph 3. The reference was a general one to raw materials which could be used in manufacturing drugs; the word " synthetic " had been used because synthetic drugs were the ones primarily envisaged. He agreed that convertible substances should be under control and included in schedule I.

Dr. MABILEAU (France) said he could confirm the recollection of the Yugoslav representative. On 20 May 1957, after protracted debate, the Commission on Narcotic Drugs had decided to retain the specific reference to synthetic drugs in the second draft of the paragraph. His delegation had supported that decision, since the provision was essentially aimed at that kind of drug. Although the question was not important, he would regret the deletion of the words " synthetic and other ".

Mr. ACBA (Turkey) said that in drafting paragraph 3, the original intention had been to refer to synthetic drugs only; the words " and other " had been added subsequently, and could be deleted. He supported the Netherlands suggestion that substances convertible into drugs and not covered by the draft Single Convention should be explicity included.

Mr. VERTES (Hungary) said that paragraph 3 was intended to cover substances not covered elsewhere. Acetic anhydride, which had been mentioned, should not be considered as included among such substances in view of its very great importance in modern chemistry. The words " synthetic and other " should be retained. He agreed with the Netherlands representative that there should be a specific reference to, or a separate schedule for, substances convertible into narcotic drugs.

Mr. LANDE, Deputy Executive Secretary, said that drugs were placed under international control either because they were addiction-producing or because they were convertible into addiction-producing substances. Drugs of the second type were not grouped separately, but some were included in schedule I and some in schedule II; that was in accordance with existing treaties. The suggestion that there should be a separate schedule for convertible substances would involve a fundamental change in the way the draft Convention and the existing treaties were set out. It should be made clear that the word " convertible " was used to describe substances that could easily be converted into narcotic drugs by a trafficker; paragraph 3 was not intended to refer to convertible substances in that sense. If it were felt that the Convention as worded did not make it clear that the substances under control included not only dangerous drugs but also substances which were convertible into dangerous drugs, an explicit statement to that effect could be made either in the definition of the word " drug " or in a paragraph in article 3 laying down the criteria for deciding what new drugs were to be brought under control.

Mr. LIANG (China) said he supported the United States proposal.

With regard to the question of convertible substances, he agreed with the Deputy Executive Secretary that control could necessarily only cover substances which were easily convertible into narcotic drugs; thebaine, for instance, which was listed in schedule I, was a substance that could be readily converted into many of the addiction-producing drugs in schedules I and II.

Mr. RAJ (India) said that in his view there were in fact no substances not already covered by the draft Convention which could be used in the illicit manufacture of natural drugs; the reference in paragraph 3 was therefore to synthetic drugs, and the word " synthetic " should be retained. As for the suggestion that special provision should be made for convertible substances, such substances were already listed in schedules I or II.

Dr. HALBACH (World Health Organization) said that in its comment on paragraph 3, reproduced in document E/CONF.34/1, WHO had suggested that the

words " synthetic and other " should be deleted. From long experience in the study of drugs with morphine-like effects, WHO was satisfied that synthetic and natural drugs did not differ in their effects and that any distinction was therefore unnecessary.

Mr. KRUYSSE (Netherlands), thanking the Secretariat for the suggestion that a reference to convertible drugs might be made either in the definition of the word " drug " or in article 3, said he felt that the more appropriate place would be the definition. All present were familiar with the existing conventions and understood what was covered by the term " drug ", but the Single Convention was to be a self-contained instrument and was intended to replace the others. It was therefore important that if convertible substances were included among the drugs placed under control, that fact should be stated clearly. With regard to the United Kingdom suggestion that the matter should be referred to the Technical Committee, that Committee might perhaps be less qualified to reach a decision on the subject than, for example, WHO.

Mr. GREEN (United Kingdom) said that if paragraph 3 was intended to cover substances used to make any drug whatever, the words " synthetic and other " seemed superfluous; if the intention was that synthetic drugs should be the subject of special measures, the provision should be clarified. As he understood it, the provision would certainly apply to acetic anhydride, which could be used in the manufacture of natural drugs.

Mr. de BAGGIO (United States of America) endorsing the remarks of the United Kingdom representative, said that if it were decided to retain the words " synthetic and other ", the Drafting Committee might be asked to consider whether they should not be inserted elsewhere in the draft as well.

Mr. NIKOLIC (Yugoslavia) said that, in the discussion on the subject in the Commission on Narcotic Drugs, it had been clear, as the French representative had mentioned, that the paragraph was intended to refer primarily to substances commonly used in industry which could be used to manufacture synthetic drugs. He therefore felt that the present wording was appropriate.

The CHAIRMAN asked the Committee to decide whether it wished the United States amendment to be put to the vote.

It was decided by 18 votes to none, with 5 abstentions that the United States amendment be put to the vote.

The United States amendment for the deletion of the words " synthetic and other " was adopted by 18 votes to 8, with 1 abstention.

Mr. KRUYSSE (Netherlands) proposed that it be explicitly stated somewhere in the Convention, that convertible substances were covered. The Convention might include a statement that the instrument applied to substances readily convertible into any of the drugs listed in schedules I and II.

Mr. GREEN (United Kingdom) said that his delegation could not approve such vague wording. The drugs subject to control were all listed in the schedules. If the Netherlands proposal were adopted, it would at least be necessary to list the substances envisaged.

Dr. MABILEAU (France) said he agreed with the United Kingdom representative that such substances should be specified. The list should comprise a small number of chemical products, easily transformable into narcotic drugs and actually in use in international trade.

Mr. de BAGGIO (United States of America) suggested that consideration of the remaining paragraphs of article 2 could be completed without going further into the subject of convertible substances. It was acknowledged that a reference to convertible substances should be included in the Convention, but that could be done either in the definition of " drug " or in the criteria for the addition of new substances.

Mr. NIKOLIC (Yugoslavia) said he supported both the Netherlands proposal and the views expressed by the United Kingdom representative.

Mr. KRUYSSE (Netherlands) said that he had only wished to stress the necessity of including in the Convention a reference to convertible substances. Perhaps the words " substances readily convertible into narcotic drugs " might satisfy the United Kingdom representative.

Mr. GREEN (United Kingdom) said that his delegation had no objection in principle to the suggestion that any intermediates which could be readily converted into narcotic drugs should be controlled. He was prepared to agree, therefore, that the question should be studied, but that was as far as he could go for the time being.

Mr. KOCH (Denmark) said that general references which were liable to cause confusion should be avoided. The draft Convention covered only substances listed in the schedules and preparations containing those substances. To insert a general statement to the effect that the Convention also covered substances convertible into narcotic drugs might create confusion. The wording of paragraph 3 was already perplexing enough : for example, the phrase " substances ... which may be used in the illicit manufacture of synthetic and other drugs " might be interpreted to include water, which was used in the manufacturing process. The Committee should be very careful to restrict the scope of the Convention to well-defined and clearly enumerated substances.

Mr. CURRAN (Canada) said that there appeared to be general agreement that convertibility of a substance into the drugs listed in schedules I and II was an important criterion. He suggested, however, that the point might be more relevant during the consideration of article 3, which set out criteria for the inclusion of drugs.

Mr. LANDE, Deputy Executive Secretary, in reply to the Danish representative, said that no proposal had been made to place under control any substance

not specifically listed in the schedules, or a general group such as " all substances convertible into narcotic drugs ". To be controlled, a substance must be listed in a schedule. What had been proposed was that the Convention should expressly provide that the Commission might place specific convertible substances under control by listing them in the schedules.

Mr. KRUYSSE (Netherlands), observing that there appeared to be general agreement on the insertion of a reference to convertibility, asked that consideration of his proposal be postponed to a more appropriate time.

It was so agreed

Paragraph 4

Mrs. VASILEVA (Union of Soviet Socialist Republics) said that her delegation would welcome an explanation of paragraph 4, which it found rather difficult to understand.

Mr. LANDE, Deputy-Executive Secretary, explained that the paragraph was of no immediate practical importance, but had been inserted to anticipate possible future developments. In the past, certain chemicals used in manufacturing dyes had been found to have important medical properties. In the same way, some substance commonly used in industry might be found at some time in the future to have addiction-producing properties and thus fall within the scope of the Convention. Paragraph 4 had been included to reconcile the wide use of a substance in industry with obligations to control the substance under the Convention.

Mr. RAJ (India) said the debate to which the Deputy Executive Secretary had referred was summarized in paragraphs 110 to 112 of the report of the Commission on Narcotic Drugs on its tenth session (E/2768/Rev.1). On the one hand the opinion had been expressed that the new convention should not provide for highly improbable contingencies. On the other hand, it had been contended that cases did occur in which chemicals used for technical purposes turned out to have useful medical properties also. The Commission had decided that parties to the new convention should not be required to put narcotic drugs widely used in industry under control, provided that they prevented misuse by appropriate measures, in particular by denaturing, and that they accounted statistically for such use.

Mr. CURRAN (Canada) asked whether article 2 was the proper place for paragraph 4. Would not the contingency it covered be more properly dealt with in the article on amendments ?

Mr. YATES, Executive Secretary, said the draft Convention set out three amendment procedures in article 54 sub-paragraphs 2 (*a*), 2 (*b*) and (*c*). If the Conference decided to adopt the more flexible procedure set out in sub-paragraphs 2 (*b*) and 2 (*c*), there might be no need to provide for contingencies by such a formula as paragraph 4 of article 2.

Mr. de BAGGIO (United States of America) said it seemed to him that, in view of the time which had been spent on drafting paragraph 4, the Committee should either approve it or defer consideration to some later date.

Mr. NIKOLIC (Yugoslavia) said that, although he was not convinced that there was any sound reason for retaining paragraph 4, and although he did not feel there was much to be gained by waiting for the decision on amendment procedure, he would not press for its immediate deletion.

Mr. DANNER (Federal Republic of Germany) urged that paragraph 4 be retained. While at present there might be no drug commonly used in industry which was also used as a medecine, some such drug might be discovered tomorrow.

Mr. KRUYSSE (Netherlands) said that paragraph 4 dealt with drugs used in factories which could be converted into narcotic drugs subject to the Convention, and vice versa. In both cases, the factory had to have a licence and thus was under control. The Netherlands consequently did not require such a provision.

The CHAIRMAN suggested that further consideration of paragraph 4 be deferred.

It was so agreed.

Paragraph 5

Mr. WATTLES, Legal Adviser, said that the only difficulty with regard to paragraph 5 was really a matter of drafting. Some delegations felt that if the schedules formed an integral part of the Convention, as stated in paragraph 5, they could not be modified except by the action of a legislative body; under the present system that was not necessary. It was for the Committee to find a wording that would make it possible to continue the existing flexible procedure.

Mr. CURRAN (Canada) suggested that the problem might be solved by including in the Convention a definition of the schedules which would have regard to the procedure for making amendments to them. In that case, paragraph 5 could be deleted.

The CHAIRMAN, speaking as the representative of Afghanistan, supported the Canadian suggestion but felt that it would be premature to decide on the deletion of the paragraph.

Mr. NIKOLIC (Yugoslavia) said that the paragraph should be retained; as it stood, it obviated the necessity for legislative action whenever the schedules were amended.

Mr. BITTENCOURT (Brazil) said that, in spite of the objections he had raised at the sixth plenary meeting, he agreed that the paragraph should be retained provided it were re-drafted in more flexible terms.

The CHAIRMAN suggested that delegations consider a new formulation. The views of those delegations that wished the paragraph to be deleted could be mentioned in the Committee's report to the Conference.

It was so agreed.

The meeting rose at 5.40 p.m.

SECOND MEETING

Wednesday, 1 February 1961, at 3.15 p.m.

Chairman: Mr. TABIBI (Afghanistan)

Consideration of articles 2 and 3 of the third draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-2; E/CONF.34/C.2/L.1, L.2 and L.3) (*continued*)

Article 2 (Substances under control) (*continued*)

Paragraphs 1 and 2 (resumed from the previous meeting)

The CHAIRMAN invited the Committee to consider the Canadian re-draft of paragraphs 1 and 2 of which the translated versions were now available.

Mr. CURRAN (Canada) said that his delegation was submitting a re-draft of paragraphs 1 and 2 (E/CONF.34/C.2/L.1) as a working document for the convenience of the Committee.

Mr. de BAGGIO (United States of America) said he was pleased to note that the re-draft specified which control measures would apply to the various schedules. While changes might have to be made in the numbering of articles as the drafting process continued, the principle of referring to particular articles was sound. He saw no reason for including in sub-paragraph 1 (*i*) the words " subject to such reservations as are made under article 56 "; if reservations were made, they would obviously apply, but as all delegations were trying to draft a convention which would invite as few reservations as possible, the possibility of reservations should not be needlessly stressed.

His delegation was anxious that the Convention should include some obligation to apply strict measures, including prohibition, with respect to very dangerous drugs and had accordingly submitted an amended version (E/CONF.34/C.2/L.3) of paragraph 5 of the Canadian re-draft, in which it referred simply to " the most effective means of protecting the public health and welfare "; his delegation considered it unnecessary to mention the prevention of illicit traffic, which was covered by the concept of protecting the public welfare.

Mr. KOCH (Denmark) said that the enumeration of exceptions in paragraph 2 of the Canadian re-draft would undoubtedly have to be checked by the Drafting Committee. In paragraph 3 he missed a reference to article 40, paragraph (2), sub-paragraph (*c*) and article 41, paragraph 1, sub-paragraph (*b*), which exempted preparations from certain control measures applicable to the drugs they contained. As for paragraph 4, it would seem that the sub-paragraphs listed there applied to drugs rather than to preparations.

With regard to the amended paragraph 5, it might be useful to have a special article in the Convention, along the lines of that proposed by the United States in its comments (E/CONF.34/1, page 14), stating that the provisions of the convention should not preclude the parties from applying measures stricter than those required by the Convention.

It might be worthwhile reconsidering the general structure of article 2. In its present form, it was confusing to all but experts, because it attempted to do too much. Instead of simply stating the criteria for determining which substances were not covered by the Convention, it tried to do three different things: to describe the scope of control by establishing a clear distinction between substances covered by the Convention and those not covered; to describe the different systems of control; and to lay down substantive rules covering schedule IV drugs. The article would be clearer if the concept of four schedules, apparently corresponding to four different control systems, were discarded. In reality, the control systems were not co-ordinated with the schedules: the drugs listed in schedule III were not subject to control, and there were special requirements for certain natural drugs and preparations. He therefore suggested that there be two main schedules, one covering all substances that, as drugs or preparations, fell under the Convention, and the other listing the exempted preparations. The first schedule could be divided into three sections, the first containing substances for which complete prohibition was recommended, the second substances now in Schedule I, and the third substances now in Schedule II. However, consideration might be given to removing the schedule of prohibited substances from the Convention and leaving the publication of the schedule entirely to WHO. He was not convinced that competence in the matter must be vested in the Commission.

Furthermore, it might be possible to discard the distinction between schedules I and II, as set forth in the draft Convention, since the discussion in plenary had indicated that the substances in schedule II might easily be subject to the same control system as the schedule I substances. If his suggestion for establishing two main schedules were adopted, it would not be necessary to enumerate in article 2 the articles applying to each schedule. Article 2 would then state simply that the subjects of control were the poppy and poppy straw, the cannabis plant, the coca bush and those substances and preparations listed in schedule I, and that substances listed in schedule II were exempt from control; it should also include, in clearer form, paragraph 3 of the article as it appeared in the draft Convention.

He also suggested that a new article be inserted after article 3, with the heading " Obligations of Parties ". The first paragraph should incorporate the text of draft article 30; as the heart of the Convention, that article ought to be given a prominent position. The second paragraph should contain a provision either requiring or recommending the prohibition of the production, manufacture, trade in, possession or use of certain substances and preparations. The third paragraph would incorporate paragraph 4 of article 2 of the draft Convention. The Committee might feel that it was too late to make such fundamental changes, but a clearer and simpler text would certainly be preferable.

Mr. LANDE, Deputy Executive Secretary, replying to the Danish representative's comment on paragraph 4 of the Canadian re-draft (E/CONF.34/C.2/L.1), said that unfortunately the term " exempted preparations " had in the past given rise to certain misconceptions. The " exempted preparations " were not in fact completely exempted from international narcotics control. Although they were exempted from the provisions of the 1925 Convention under article 8 thereof, they remained subject to the provisions of the 1931 Convention. In general terms, the 1925 Convention provided for national administrative control — licences, record-keeping, and medical prescriptions — whereas the principal objective of the 1931 Convention was to limit the supply of narcotics to the amounts needed for medical and scientific purposes. Thus, exempted preparations were not exempted from provisions limiting the supply of narcotics. The limitation of supplies applied generally to narcotics in all forms — basic drugs, salts and preparations — including " exempted " preparations. Since the draft Convention on the whole incorporated the existing law, it included some provisions concerning exempted preparations in connexion with the limitation of the supply of narcotics. One provision of existing law applicable to exempted preparations had been omitted — that all preparations must be sold with labels indicating the narcotic content. But if the Committee wanted to maintain the existing system, it could not exempt the exempted preparations from the provisions specified in paragraph 4 of the re-draft.

He drew attention to the fact that, whereas article 2, paragraph 1 (*a*), of the draft Convention indicated that the drugs listed in schedule IV were also listed in schedule I, that was not made clear in the re-draft. Omission of that provision would necessitate drafting changes in other provisions.

Mr. NIKOLIC (Yugoslavia) said he entirely approved the re-draft submitted by Canada, as amended by the United States. Of course, subsequent decisions concerning other provisions of the Convention might require changes in the enumeration of articles.

Dr. MABILEAU (France) said he was pleased that the re-draft indicated what control measures would apply to the substances in each schedule; it was always difficult to make a complete list of such measures, but that was a purely editorial problem. He thought the Danish representative's suggestions warranted further study.

Mr. GREEN (United Kingdom) said that the United States amendment to paragraph 5 of the Canadain re-draft was generally acceptable. It apparently left it to the parties to decide whether to adopt special measures of control and what those measures should be. He would prefer to see sub-paragraph 5 (*b*) deleted as redundant, but would agree to its inclusion if the other members of the Committee so desired.

Mr. CURRAN (Canada) said he agreed with the Yugoslav and French representatives that the specific references in the re-draft to other articles would have to be reviewed very closely at a later date.

In reply to the Deputy Executive Secretary's observations, he drew attention to the explicit statement, in the United States amendment, that drugs listed in scheduel IV should be listed in schedule I. In drafting that amendment jointly with the United States delegation, his delegation had sought to employ language which would leave it wholly to the party to decide what measures of control should be applied. Canada felt an obligation to comply with the recommendations of the Commission, but would find it difficult to prohibit the use of a schedule IV drug if the Canadian medical profession did not agree that it ought to be banned. Thus, the possession and use of heroin were not yet prohibited in Canada. Sub-paragraph 5 (*b*) was intended to meet the constitutional problem, by allowing the party to decide whether or not to prohibit very dangerous drugs.

He agreed with the Danish representative that article 30 should be moved forward.

Mr. RAJ (India) pointed out that both paragraph 5 of the Canadian re-draft and the United States amendment thereto merely recommended the prohibition of particulary dangerous drugs. But since the drugs listed in schedule IV were very harmful to public health and highly addiction-inducing, while their curative properties were insignifiant, it seemed logical that they should be the subject of a mandatory prohibition. That view was shared by a large number of delegations, although some were willing to make concessions in order to secure a larger measure of agreement to the Convention. It should be remembered that drugs could always be dropped from schedule IV, if they were later found to have some curative value. Certain States had opposed mandatory prohibition on the ground that it was a limitation of State sovereignty, but the whole system of international narcotics control entailed some surrender of sovereignty. His delegation agreed that, as a safeguard, amendments to schedule IV should be made by a two-thirds majority of the Commission, but it also felt that, in view of the existing knowledge concerning the effects of particularly dangerous drugs, States should be prepared to impose more restrictive measures than those set out in existing Conventions; especially when most of the countries had in fact prohibited the manufacture and use of certain dangerous drugs, like heroin.

Miss HARELI (Israel) said that the Canadian re-draft was on the whole acceptable to her delegation, although there was also considerable merit in the United States amendment to its paragraph 5 and in the Danish suggestions. Paragraph 5 of the re-draft was concerned with prohibiting the use of particularly dangerous drugs except for special purposes, namely, medical and scientific research, including clinical experimentation. The present text might give the impression that once the research and experimentation had been completed, there could be no further experimental use of the drugs in treatment, which was obviously not the intention. The point might be made clear by adding the words " and medical application " after the words " clinical experimentation ". If sub-paragraph (*b*) of paragraph 5 were deleted, as the United Kingdom repre-

sentative had suggested, every country would be free to interpret sub-paragraph (*a*) as it saw fit, and that would be acceptable to her delegation.

Dr. HALBACH (World Health Organization) suggested that the Israel representative's point might be met by replacing the words " clinical experimentation " in the Canadian re-draft, which struck an embarrassing note when applied to human beings, by the words " clinical trials ". The trial period would include a long period of administration to patients.

Mr. KRUYSSE (Netherlands) said that the Canadian re-draft was acceptable to his delegation, with the amended version of paragraph 5 proposed by the United States.

Dr. JOHNSON (Australia) said the Canadian text, with the United States amendments to paragraph 5, seemed generally satisfactory. His Government favoured a recommendation rather than a mandatory prohibition in paragraph 5. If the second part of the paragraph were retained, it would be advisable to replace the words " clinical experimentation ", an expression which was rarely used, by the words " clinical trials ", as proposed by the WHO representative.

Mr. VERTES (Hungary) said that the Canadian text was a satisfactory basis for discussion. He had only one objection and that was that paragraph 2 did not contain any indication of the fact that the drugs listed in schedule II were less dangerous and addiction-producing than those in schedule I. That point should be made clear. With regard to the point raised by the Israel representative, if after clinical trial any drug in schedule IV were found to be of great therapeutic value, it could always be reclassified so as to free it for medical use.

Mr. NIKOLIC (Yugoslavia) said that he would have understood the Israel representative's proposal in connexion with the words " clinical experimentation " nad the provision been mandatory. As it was, prohibition was only recommended, so that it was open to Governments to take whatever action they thought appropriate.

Mr. BELONOGOV (Union of Soviet Socialist Republics) welcoming the Canadian re-draft, said the insertion of the references to the different articles in paragraphs 1, 2 and 4 was a great improvement on the original text, but it should be remembered that, since those articles had not yet been adopted, such references could only be provisional. The reference to article 56 in paragraph 1 (i) should, however, be deleted. His delegation favoured the simplest possible texts for articles, so as not to make the Convention cumbersome, and therefore preferred the United States amendment for paragraph 5. With regard to the expression " clinical experimentation ", there was no need for any change in the Russian text.

Mr. AZARAKHSH (Iran) said that, if the paragraph was not to contain any mandatory provision, it was difficult to see what purpose would be served by placing drugs in schedule IV. If such drugs were particularly dangerous, international control measures should be even more severe than for drugs in schedule I. That could be achieved if they were subject to a mandatory provision but not under the present text. It was therefore necessary to mention the provision in article 3 regarding a recommendation for prohibition to be made by WHO.

Mr. DANNER (Federal Republic of Germany) said that he accepted, in principle, the Canadian re-draft, as amended by the United States.

Dr. MABILEAU (France) said that the Canadian formulation was more cogent than the original. In the French text of paragraph 5, if the words " *expériences cliniques* " were replaced by the words " *essais cliniques* ", that would bring the text into line with the amendment to the English text suggested by the WHO representative.

Mr. ACBA (Turkey) said that paragraphs 1 to 4 of the Canadian re-draft were quite acceptable to his delegation, but he would like a little time to study the United States amendment to paragraph 5.

Mr. KRUYSSE (Netherlands) asked whether the references in paragraph 4 of the Canadian text were correct; the paragraph referred to preparations, but all the articles mentioned referred to the drugs listed in schedules I and II. It might be desirable to omit the references.

Mr. LANDE, Deputy Executive Secretary, said that, although it was true that the articles mentioned in paragraph 4 referred to the drugs used in the manufacture of exempted preparations, they might be considered to be control provisions relating to the preparations.

Mr. de BAGGIO (United States of America) pointed out that the Committee was not being asked to adopt a final text and that all the references would have to be checked and perhaps changed later.

Mr. KRUYSSE (Netherlands) said that, if the Secretariat felt that the references should be retained, he had no further objection.

Mr. BELONOGOV (Union of Soviet Socialist Republics) suggested that the Committee should approve the proposed drafts provisionally and leave detailed discussion of the text to the Drafting Committee.

Mr. BANERJI (India) said he had understood that the procedure agreed upon by the General Committee was, in case of disagreement, for an *ad hoc* Committee to attempt to narrow down the differences until either one text, or two or more alternative texts, could be sent to the plenary for final decision. He asked that a majority decision of the Committee should not prevent the point of view of his delegation on paragraph 5 from being recorded. That point of view, in which India's particular interests were in no way concerned, was that it was logical that there should be a mandatory prohibition on the production and manufacture of and trade in particularly dangerous drugs.

Mr. KRUYSSE (Netherlands) supported the Indian representative's request.

Mr. CURRAN (Canada) said he thought that the Commission would be able to produce a text representing the general feeling, and at the same time record any differing views put forward by particular delegations.

The CHAIRMAN said that minority views, including the Indian representative's statement in the event of the United States amendment being adopted, would be recorded in the Committee's report.

Mr. ACBA (Turkey), Mr. BITTENCOURT (Brazil), Mr. AZARAKHSH (Iran) and the CHAIRMAN, speaking as the representative of Afghanistan, asked that their agreement with the views expressed by the Indian representative should also be mentioned in the report.

Mr. BANERJI (India) suggested that, since the United States amendment would in fact leave the application of any control measures to the decision of the Party concerned, the word " shall " at the end of the third line was inappropriate, and should be replaced by the word " may ".

Dr. MABILEAU (France) said that he wished to propose certain amendments to the United States amendment of paragraph 5. First, in sub-paragraph (*a*), the word " particularly " should be inserted before the word " dangerous " in order to make the meaning clearer. Secondly, in sub-paragraph (*b*) the word " effective " should be replaced by the word " appropriate ", since the question was which measures were most appropriate in the particular circumstances prevailing in the country. Thirdly, he would like to endorse the WHO suggestion that the word " experiments " in the penultimate line of the paragraph should be replaced by the word " trials ".

Mr. de BAGGIO (United States of America) said he could accept all three amendments proposed by the French representative, and would also like to change the word " concerned " in sub-paragraph (*a*) to " included ".

He could not, however, accept the amendment suggested by the Indian representative; although a choice on the part of the country concerned was of course involved, it was important to retain the word " shall " in order to make the provision sufficiently strong.

Mr. BANERJI (India) said that he would not press his amendment, but would further propose that the words " and import " should be inserted after the word " manufacture " in sub-paragraph (*b*).

Mr. de BAGGIO (United States of America) said he was prepared to include the words for the sake of clarity, although he felt that the question of imports was covered by the term " trade ".

The CHAIRMAN suggested that the Committee should proceed to vote on the Canadian re-draft, as amended by the United States.

Mr. BANERJI (India) requested that paragraphs 1-4 should be voted on separately from paragraph 5.

Paragraphs 1-4 of the Canadian re-draft (E/CONF.34/C.2/L.1) were approved unanimously.

The United States amendment to paragraph 5 (E/CONF.34/C.2/L.3), as amended, was adopted by 22 votes to none, with 5 abstentions.

Mr. VERTES (Hungary) requested that paragraphs 6 and 7 should be voted on separately.

Paragraph 6 of the Canadian re-draft (E/CONF.34/C.2/L.1) was approved by 27 votes to none, with 1 abstention.

Mr. VERTES (Hungary) said that paragraph 7 of the Canadian re-draft was open to the same objections as paragraph 2 of the original draft; as he had explained at the fifth plenary meeting, that paragraph was unacceptable to his Government for the reasons which he had then given. His delegation would accordingly be unable to vote for paragraph 7 of the Canadian re-draft, since it could not be sure that articles 31, 35, 36 and 39, in the form in which they were finally adopted, would be acceptable.

Mr. NIKOLIC (Yugoslavia) and the CHAIRMAN, speaking as the representative of Afghanistan, said that they agreed with the view expressed by the Hungarian representative but would nevertheless vote for the paragraph, since the final form to be taken by the articles mentioned would be discussed later and the views of their delegations would be put forward at that time; the decision to be taken at the present meeting did not involve the subject-matter of the article.

Mr. CURRAN (Canada) added that the purpose of his re-draft was to suggest a coherent form for the article; some of the specific references to other articles might need to be changed later.

Paragraph 7 of the Canadian re-draft (E/CONF.34/C.2/L.1) was approved by 24 votes to none, with 4 abstentions.

The Canadian re-draft as a whole, as amended, was approved by 16 votes to none, with 11 abstentions.

Mr. GREEN (United Kingdom), Dr. MABILEAU (France) and Mr. KOCH (Denmark), explaining their vote, said that they had abstained because they had understood the proposal to be that the Canadian re-draft should replace the whole of article 2 of the draft Convention, so that paragraphs 3 to 5 of the original draft would thereby be omitted.

Mr. NIKOLIC (Yugoslavia) and Mr. de BAGGIO (United States of America) proposed that, in view of the misunderstanding, a fresh vote be taken.

The CHAIRMAN invited the Committee to vote again on the Canadian re-draft of article 2, paragraphs 1 and 2.

The Canadian re-draft (E/CONF.34/C.2/L.1) as a whole, as amended, was adopted by 20 votes to none, with 8 abstentions.

The meeting rose at 6.15 p.m.

THIRD MEETING

Thursday, 2 February 1961, at 3.15 p.m.

Chairman: Mr. TABIBI (Afghanistan)

Consideration of articles 2 and 3 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-2; E/CONF.34/C.2/L.1 to L.3, L.5, L.6) (*continued*)

Article 2 (Substances under control) (*continued*)

Paragraph 3 (resumed from the first meeting)

The CHAIRMAN said that the Committee had so far decided to delete the words " synthetic and other " in the third line. He asked whether delegations had any further comments on paragraph 3 (E/CN.7/AC.3/9).

Dr. JOHNSON (Australia) said that his delegation found paragraph 3, as amended, acceptable.

Dr. MABILEAU (France), Mr. NIKOLIC (Yugoslavia), Mr. RAJ (India), Mr. ACBA (Turkey) and Mr. VERTES (Hungary) asked that their dissent from the decision to delete the words " synthetic and other " be recorded in the Committee's report.

Paragraph 3, as amended, was approved.

Paragraph 4 (resumed from the first meeting)

The CHAIRMAN said that, at the first meeting, further consideration of paragraph 4 had been deferred. He asked whether delegations now had any further comments to make.

Dr. JOHNSON (Australia) said that if any addiction-producing substances were commonly used in industry for other than medical or scientific purposes, they should be subject to control. He was not aware of any such cases in Australia and would be better able to understand the reason for including paragraph 4 if he could be told in what countries drugs were commonly used in that way.

Mr. KRUYSSE (Netherlands) said he did not know of any drug that fell within the definition in paragraph 4. Consequently, he would not oppose the deletion of the paragraph, although if any delegation could advance a reason for its retention, he would willingly agree to it. If a drug was used in the manufacturing process as the raw material for producing another substance, it would always be under control; there would thus appear to be no need for any such provision.

Mr. DANNER (Federal Republic of Germany) said he supported paragraph 4. Although he could not name any substance that was used in small amounts for medical or scientific purposes and in large quantities for the production of other substances in chemical factories, he felt that such a substance might easily be discovered in the future.

Mr. KOCH (Denmark) said that it was very desirable to have paragraph 4 in the Convention. If in the future it were found that a chemical substance used in industry could also be employed for medical purposes, the Commission would be obliged to put the substance in the schedules, whereupon it could be used only for medical and scientific purposes. Paragraph 4 would permit a more flexible approach to the problem.

Mr. KRUYSSE (Netherlands) said he thought the Danish representative was assuming that a factory would not be allowed to convert a drug because it would not be using the drug for medical or scientific purposes. It was quite clear, however, under the existing conventions, that factories were allowed to convert drugs; for instance, article 22 (1) (b) of the 1925 Convention, referring to statistics on the use of narcotic substances for the manufacture of derivatives not covered by that instrument, showed that it was always possible to use a drug for the manufacture of non-narcotic substances.

Mr. KOCH (Denmark) explained that he had not been referring to the conversion of narcotic substances into other substances, but rather to the case where a substance was used at the same time for both industrial and medical purposes.

Mr. CURRAN (Canada) said that his delegation had no objection to paragraph 4, provided the language was simplified. Its retention might however be unnecessary if a flexible amendment procedure were adopted. Further discussion should be deferred until the amendment provisions had been agreed upon.

Mr. de BAGGIO (United States of America) said he agreed that further discussion should be deferred.

Mr. GREEN (United Kingdom) proposed that the following passage be inserted in the Committee's report:

> " Some delegations felt that the provisions of paragraph 4 were unnecessary and should be deleted as they provided for a future condition which might never arise. It was the consensus of opinion in the Committee that a decision on the deletion of this provision should await consideration of the amendment procedure (article 54). If a flexible amendment procedure was adopted then it might be possible to dispense with this provision."

The United Kingdom proposal was adopted.

Mr. NIKOLIC (Yugoslavia) suggested that, in view of that decision, it was unnecessary to include the proposed text of paragraph 4 in the report.

Paragraph 5 (resumed from the first meeting)

The CHAIRMAN said that, at the close of the first meeting, he had suggested that delegations might wish to consider a new formulation for paragraph 5.

Dr JOHNSON (Australia) said he supported paragraph 5 as it stood. There was no longer any necessity to exclude the reference to schedule IV, since the Committee was almost unanimously of the opinion that the prohibition of drugs should only be recommended. The schedules should be defined as they were in para-

graphs 415 to 418 of the third draft, but the definitions should appear as preambles to the corresponding schedules. As the greater part of national administrative control was the responsibility of non-technical staff, it might be an advantage to state explicity what each schedule meant in terms of such control. The questions that several delegations had raised concerning amendments to the schedules might more appropriately be considered in connexion with article 3. In his view, article 3 should cover such amendments in order to obviate the necessity for a further ratification of the convention after each amendment of the schedules. If the procedures set out in article 3 were followed, modifications to the schedules could be governed by that article rather than by article 54.

His delegation would support paragraph 5, but would like to know what purpose it was intended to serve and why the phrase " an integral part of this Convention " had been used.

Mr. CURRAN (Canada) said that, in the plenary meeting, some delegations had stated that the inclusion of paragraph 5 would created constitutional difficulties in their countries. Although paragraph 5 did not pose any problem for his own country, he proposed, in a spirit of accommodation, that it be deleted. The purpose of the paragraph could be achieved in a definitions section which would merely identify the schedules as being schedules in the Convention.

Mr. DANNER (Federal Republic of Germany) said that, if paragraph 5 were included, his country would have to enact a new statute whenever there was a change in the schedules. On the other hand, if the Canadian proposal were adopted, any change in the schedules could be put into effect without fresh legislation.

Mr. LIMB (Republic of Korea) said that, if the schedules formed an integral part of the Convention, changes in the schedules would create difficulties for his Government. He therefore urged that paragraph 5 should be either amended or deleted.

Mr. de BAGGIO (United States of America) while agreeing in principle with the Canadian representative's proposal, said he did, however, feel that it should be stated somewhere in the Convention that the schedules formed part of the Convention.

Mr. NIKOLIC (Yugoslavia) said he supported that position.

Mr. KOCH (Denmark) said that the mere mention of the schedules in the Convention — for example, in paragraph I of the present article — was sufficient to make them a part of the instrument, whether the fact was explicitly stated or not. His delegation would therefore have no objection to the deletion of paragraph 5 if other delegations requested it.

Mr. KRUYSSE (Netherlands) said that his delegation would like to see the statement included somewhere in the Convention; the production of a draft which would avoid possible constitutional difficulties could be left to the Drafting Committee.

The CHAIRMAN, speaking as the representative of Afghanistan, suggested that there would be no constitutional difficulty if the Convention stated that the schedules were subject to change in accordance with article 3; any legislative body ratifying the Convention would then be authorizing future changes in the schedules and further legislative action would be unnecessary.

Mr. NIKOLIC (Yugoslavia), supporting that view, drew attention to the statement by the Brazilian representative at the first meeting that, in spite of the objections he had raised at the sixth plenary meeting, he had become convinced that the clause should be retained. Delegations which were unhappy about the legal aspects of the question could consult the Office of Legal Affairs.

Mr. WATTLES, Legal Adviser, said that he felt the difficulty could be dealt with during final drafting. Many simple solutions might be found, such as to replace the word " schedule " in the provisions of the Convention by " list ", and to define " list I " as " the list of drugs contained in schedule I as changed from time to time by decisions pursuant to article 3 ". The schedules would then be ratified together with the Convention, while the lists of drugs contained in the schedules would be subject to change.

The CHAIRMAN, speaking as the representative of Afghanistan, said that whatever difficulties existed could not be removed by a merely linguistic solution of that kind.

Speaking as Chairman, he asked the Secretariat to comment on his own suggestion.

Mr. WATTLES, Legal Adviser, said that if the Chairman's suggestion were adopted, the problem might still remain because of the requirements of the constitution of a particular country. The reason why he himself had considered the problem to be partly linguistic was that Governments appeared to have had no difficulty in the case of the existing Conventions, in which the lists of drugs were referred to as " groups ".

Mr. BITTENCOURT (Brazil) said that his delegation wished to keep some such provision as that contained in paragraph 5. He agreed with the Chairman that legislative bodies would be aware at the time of ratification that they were approving future changes in the schedules. Nevertheless, he felt that the Drafting Committee could be asked to re-word the provision in more acceptable form; for example, it could avoid the expression " integral part of this Convention " and use instead some such formula as " annexed to this Convention ".

The CHAIRMAN said it might be best if further considerations of the question were deferred. He suggested that the Committee's report should record the views of those who wished to retain the present provision, as well as the Canadian proposal to delete the paragraph but to cover the point in a definition.

Mr. de BAGGIO (United States of America) proposed that the matter be left to the Drafting Committee.

It was so decided.

Mr. BELONOGOV (Union of Soviet Socialist Republics), supported by Dr. MABILEAU (France), suggested that the Committee's report indicate the majority by which a given article or paragraph had been approved, so that the Conference might have an idea of the measure of support which each proposal had received.

The CHAIRMAN said that the suggestion was a reasonable one; reservations could only be included, however, if the delegations concerned had made statements.

He invited the Committee to consider article 3.

Article 3 (Changes in the scope of control)

Mr. de BAGGIO (United States of America) said that his delegation and that of Canada had jointly prepared a re-draft of article 3 already circulated as document E/CONF.34/C.2/L.2. One of its features was the inclusion of criteria for deciding what new substances should be added to the schedules; in the present draft Convention, those criteria were only given in the definition of the word " drug ". It would also widen the criteria to cover substances readily convertible into products having the properties described. They now wished, however, to make certain oral amendments to the re-draft.

It had been pointed out by some delegations and by the Secretariat that the criterion " capable of producing or sustaining addiction " was liable to misunderstanding; for example, the Convention was not intended to cover so-called tranquillizers and barbiturates, but only substances of a definitely narcotic kind, and synthetic substitutes for them. In the first sentence of paragraph 3 (*a*), the words " capable of producing or sustaining addiction or of conversion into a product capable of producing or sustaining addiction and is " should therefore be deleted, and the words " or schedule 2 or readily convertible into such substance " added at the end of the sentence. In the second sentence of the same paragraph, the words " or to be addiction producing or sustaining " should be deleted. In the fourth and fifth lines of paragraph 3 (*b*) the words " capable of producing or sustaining addiction or of conversion into a product capable of producing or sustaining addiction, and is in fact " should be deleted and the words " nor convertible into such a drug " added at the end of the sentence. Any other occurrence of the phrase " addiction producing or sustaining " should be similarly deleted. Other small corrections which were necessary were the addition of the word " and " after the word " advice " in the first line of paragraph 3 (*b*); the insertion of the word " only " after the words " non-medical grounds and " in paragraph 3 (*d*); and the deletion of the word " shall " in the fifth line of paragraph 5 (*b*). The sponsors also wished to insert the words " to reverse its decision or whether or not " after the words " decide whether or not " in the fifth line of paragraph 5 (*b*), in order to clarify further the powers of the Commission. In paragraph 5 (*c*), they wished to replace the words " the medical and scientific aspects of the matter ", by the words " narcotics control problems ".

Mr. GREEN (United Kingdom) said that he wished to propose an amendment (E/CONF.34/C.2/L.5) to the redraft prepared by the Canadian and United States delegations. Its intention was partly to simplify the redraft and partly to bring it closer into line with the existing conventions. Some of the provisions in the redraft had been regrouped in his amendment. No change had been made in the proposal that alterations to the schedule should be made by the Commission, although his delegation adhered to the view which it had put forward in the plenary meeting that it was preferable that such decisions should be taken by WHO.

Paragraph 2 had only been slightly amended, but paragraph 3 had been subdivided into three sub-paragraphs describing the three main kinds of action to be taken upon notification of the proposed control of a new substance. Sub-paragraph (i) took up a resolution which had been passed by the Commission on Narcotic Drugs two years previously, and which had already been referred to in the discussions of the Conference. Sub-paragraph (ii) reproduced a provision of the 1948 Protocol; it had, however, been revised to make the Commission's recommendation a definite decision. Sub-paragraph (iii) described the final decision regarding control. The words " the Commission may thereupon decide " in the sixth and seventh lines of the sub-paragraph made it clear that the Commission could refuse to act upon the advice of WHO, though it could not act without it. Paragraph 3 (*d*) of the joint redraft would be thereby rendered unnecessary; the phrase " in certain cases " in that draft was, in any case, unduly vague.

His amendment also omitted sub-paragraphs (*b*) and (*c*) of paragraph 3 of the joint redraft; there was no necessity to express at length the power of the Commission to delete substances or transfer them between schedules; the word " amend " in the first sentence of paragraph 6 of his amendment would cover any necessary action. Nor was there any need to describe in full the criteria to be applied in the Commission's decisions, since they were self-evident. Other provisions of paragraph 3 of the joint redraft were covered in his paragraph 5.

He had not suggested any amendments to paragraph 5 of the joint redraft, although he felt that the paragraph was not really necessary. There was certainly no objection in principle to a Party requesting that a decision be reviewed; however, he did not particularly like the procedure proposed for dealing with appeals. The WHO Expert Committee on Addiction-Producing Drugs was a body of recognized experts, and it was doubtful whether three people could be found who were competent to review a decision by that Committee.

Mr. CURRAN (Canada) said that he was unable to comment on the United Kingdom amendment since he had not had time to examine it (E/CONF.34 C,2/1.5). He felt, however, that detailed consideration of the wording of provisions could be left to the Drafting Committee, and that the present discussion should be confined to questions of principle.

With regard to the proposal contained in paragraph 5 of the joint redraft, the sponsors had felt it right, for

psychological reasons, to provide for the possibility of a Party requesting that a decision of the Commission be reviewed by a competent body. The proposal need not be interpreted as reflecting on the competence of WHO or of the Expert Committee on Addiction-Producing Substances, though it would certainly be necessary to ensure that it did not conflict with the constitution of WHO. Other suggestions had been made, such as review by the Economic and Social Council, but he felt that the Council would not be sufficiently competent in the matter.

Mr. BANERJI (India) said that, in principle, he welcomed the joint redraft (E/CONF.34/C.2/L.2), which, with the amendments proposed by his own delegation (E/CONF.34/C.2/L.6), should prove entirely satisfactory. He had not yet had time to study the United Kingdom amendments (E/CONF.34/C.2/L.5) but at first sight they did not seem to simplify the text to any great extent.

With regard to paragraph 1 of the joint redraft, there did not seem to be any good reason for restricting the right to propose amendments to the schedules to the Parties to the Convention; any country or organization, or even any individual, might have experience of addiction-producing drugs which should be controlled in the public interest. That was the reason for his delegation's second amendment.

He had been disturbed to hear the United States representative state, in connexion with substances capable of producing or sustaining addiction, that tranquillizers and barbiturates were not included; the use of such drugs was gaining ground and the producers of synthetics of that kind were being left to exploit the market without any regard for the consequences to the persons they supplied.

Paragraph 4 of the joint redraft dealt with the system of provisional controls to be put into operation pending a decision by WHO. He did not feel that the Commission, which met only once a year, was the most appropriate body to exercise that provisional control. As proposed in paragraph 5 of his delegation's amendment, the decision should be taken by the Board, which was a smaller body and held more frequent meetings. However, the general principle that it should be the Commission that took decisions to place drugs in schedules I and II was sound. As he saw it, one of the basic functions of the Commission would be to review the schedules periodically, in the light of the advice given by WHO.

Sub-paragraph 3 (*d*) of the joint redraft appeared to be redundant; occasions when the Commission would disagree with WHO would be extremely rare. Sub-paragraph 3 (iii) of the United Kingdom amendment (E/CONF.34/C.2/L.5), which also dealt with relations between the Commission and WHO, was unacceptable; the provision that " if the World Health Organization finds ... it shall communicate that finding ..." was inappropriate, because the Convention could impose obligations only on the Parties, not on WHO.

The appeal procedure formulated in paragraph 5 of the joint redraft, as orally amended by the United States representative, was entirely satisfactory. Paragraph 6 was also satisfactory in principle, but his own delegation's amendment to it would provide an additional safeguard; the two-thirds majority rule should also apply to the Commission's decisions regarding WHO recommendations.

Mr. LANDE, Deputy Executive Secretary, said that it might be advisable to bring the criteria laid down in paragraph 4 of the United Kingdom amendment (E/CONF.34/C.2/L.5) for the exemption of certain preparations containing narcotic drugs into line with those laid down in article 8 of the 1925 Convention. Those criteria were, first, that the preparation could not give rise to the drug habit on account of the other ingredients with which the drugs were compounded and, secondly, that recovery of the drug should be impracticable.

Mr. NIKOLIC (Yugoslavia) said he had difficulty in choosing between the three documents before the Committee, two of which, the joint redraft (E/CONF.34/C.2/L.2) and the United Kingdom amendment (E/CONF.34/C.2/L.5), closely resembled each other. From a cursory examination, however, he preferred the United Kingdom text, which seemed clearer and more concise.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said it was difficult to discuss such complicated texts as those now before the Committee; the Committee's work would be greatly facilitated if the authors of the various draft amendments would agree on a joint text.

The CHAIRMAN said he agreed with that view. If the authors could not agree on such a text, he would invite the Committee to take up the joint redraft (E/CONF.34/C.2/L.2) paragraph by paragraph, together with the relevant amendments to each paragraph.

Dr. MABILEAU (France) said that the Chairman's proposal was acceptable to his delegation, with one slight variation. When the joint redraft was taken up paragraph by paragraph, the United Kingdom amendments to the different paragraphs should be taken up before the joint redraft. The United Kingdom wording was simpler and therefore easier to work on, and had the great advantage of being based on that of the 1948 Protocol.

Mr. NIKOLIC (Yugoslavia) supported the French representative.

Mr. BITTENCOURT (Brazil) said it would be helpful if the Secretariat would prepare a comparative table setting out the different amendments.

Mr. CURRAN (Canada) said that he would be happy to consult the other authors of amendments, since the only aim of his delegation, which found the draft Convention almost entirely satisfactory as it stood, was to make the final text acceptable to as many delegations as possible. He felt, however, that the joint redraft, which had been submitted first, should be considered before the United Kingdom amendments to it.

Mr. BANERJI (India) supported the Canadian representative's view.

Mr. GREEN (United Kingdom) said that he was quite willing to consult the other authors of amendments but felt that the Committee should proceed on the basis of the documents before it.

Mr. KOCH (Denmark) said that the Committee should not take on itself work that was more appropriately left to the Drafting Committee. Its duty was to consider questions of principle and to clarify the text when necessary, not to go into details of drafting. What it now had to do was to find the answers to six questions relating to the texts before it: first, who should be competent to propose amendments to the schedules? secondly, how far should the schedules be amended and in what manner ? thirdly, what criteria should be adopted for the inclusion of drugs in schedules I and II or of preparations in schedule III ? fourthly, should the provisional control of new substances be mandatory or not ? fifthly, should the Commission or WHO be the competent body to amend the schedules ? sixthly, was there any need to provide for appeal and, if so, what procedure should be followed ? Another question which would have to be decided was whether there should be a transitional period before the amendments to the schedules became binding on the parties. If the parties were expected to impose new measures of control immediately on receipt of a notification from the Secretary-General, there would be a period when they would be violating the Convention, at least technically. The Committee should discuss those points immediately.

The CHAIRMAN suggested that the authors of amendments consult together with a view to producing a joint text for the next meeting.

It was so agreed.

The meeting rose at 6. p.m.

FOURTH MEETING

Friday, 3 February 1961, at 10.45 a.m.

Chairman: Mr. TABIBI (Afghanistan)

Consideration of Articles 2 and 3 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2; E/CONF.34/C.2/L.2, L.5 and L.6) (*continued*)

Article 3 (Changes in the scope of control) (*continued*)

The CHAIRMAN asked whether the authors of the various amendments to article 3 who, at the close of the previous meeting, had undertaken to meet in an endeavour to agree, if possible, on a joint text, had been successful in their efforts.

Mr. CURRAN (Canada) said he was glad to be able to report that the delegations concerned had agreed on a joint text which, they hoped, would be generally acceptable. All that was now needed was a little simplification of the wording and that could be left to the Drafting Committee. He was grateful to the representative of India who, in a spirit of co-operation, had decided to withdraw his amendment (E/CONF.34/C.2/L.6) and had merely submitted some drafting suggestions which would be passed on to the Drafting Committee. The joint text comprised paragraph 1 of the Canadian and United States joint redraft (E/CONF.34/C.2/L.2), paragraphs 2, 3, 4, 5 and 6 of the United Kingdom amendment (E/CONF.34/C.2/L.5) and paragraphs 5 and 6 of the Canadian and United States joint redraft, (E/CONF.34/C.2/L.2) which became paragraphs 7 and 8.

Mr. BITTENCOURT (Brazil) asked whether the new paragraphs 7 and 8 already included the oral amendments proposed at the previous meeting by the United States representative, or whether they still had to be amended.

Mr. KOCH (Denmark) said he had intended to ask the same question. He would also like to know whether in the second line of the new paragraph 7, sub-paragraph (*a*), reference would be made only to paragraph 3 or to paragraph 6 as well.

Mr. de BAGGIO (United States of America) said those were minor points that could be left to the Drafting Committee, which would undoubtedly take all such suggestions into account.

Mr. NIKOLIC (Yugoslavia) said it was important that the Committee's work should not be delayed. The Committee had only to take decisions on substance; questions of form were a matter for the Drafting Committee.

Mr. KOCH (Denmark) said that he had no desire to delay the Committee's work. In his opinion, the reference to paragraph 3 was not a drafting point but a question of substance; he reserved the right to raise the question again later.

Mr. LIANG (China) said that the provisions of article 3 were on the whole more complicated than those in force; they did, however, contain a number of improvements. Sub-paragraph 3 (*i*), for example, would make control more effective by allowing the Parties to act without waiting for the Commission's decisions, and the other provisions taken from the United Kingdom amendment (E/CONF.34/C.2/L.5) were entirely satisfactory. On the other hand, the appeals procedure laid down in the new paragraph 7 did not seem really necessary, since the Parties could already furnish all relevant information to the Commission or to WHO; it could even cause delay. Under the present system, when the Expert Committee of WHO decided to place a new drug under international control, it notified the Secretary-General, who could very quickly notify the Parties. If, however, the Expert Committee, which met in winter, had to notify the Commission, which met in April, there would be a six-month delay. He was not asking for the procedure to be abolished, but wanted to make his position clear.

Mr. CURRAN (Canada) pointed out that, under the terms of sub-paragraph 7 (*b*), the Commission's

decision would remain in force pending the review, and control would not therefore be delayed.

The CHAIRMAN invited the Committee to consider the new joint text paragraph by paragraph.

Paragraph 1

Mr. ATZENWILER (Permanent Central Opium Board) said that the text of paragraph 1 was almost identical in substance with article 3, paragraph 4, of the third draft, so that the comments submitted by the Board and the Drug Supervisory Body at the request of the Economic and Social Council on page 45 of document E/CONF.34/1 were still relevant. The existing procedure for placing a new drug under control seemed rather more strict than that provided for in paragraph 1. The provisions of the 1931 Convention relating to phenanthrene alkaloids of opium and ecgonine alkaloids of the coca leaf, as well as the provisions of the 1948 Protocol, were obviously not perfect, but they did lay down certain obligations. In the new text, those obligations did not seem to be so clearly defined and the circumstances in which Governments were required to notify the Secretary-General should be specified. He therefore wished to draw attention to the amendment suggested by the Board and the Drug Supervisory Body in document E/CONF.34/1.

Mr. LANDE, Deputy Executive Secretary, in connexion with phenanthrene alkaloids of opium and ecgonine alkaloids of the coca leaf, said that the new text provided for stricter control than the existing treaty. Under article 11 of the 1931 Convention, a Government was fully entitled, pending a decision by WHO, not to place such alkaloids under control if it did not regard them as dangerous, whereas under the present text, such alkaloids, being listed in schedule I, would be placed under control without Governments being allowed any discretion in the matter.

Mr. ATZENWILER (Permanent Central Opium Board) said that, despite the Deputy Executive Secretary's explanation, he still wished to press the amendment suggested on page 45 of document E/CONF.34/1.

Mr. VERTES (Hungary) said that the comments of the Permanent Central Opium Board merited close study. Phenanthrene alkaloids of opium and ecgonine alkaloids of the coca leaf were not the only ones; a whole series of synthetic analgesics and other synthetic drugs were also addiction-producing. On several occasions, the Commission on Narcotic Drugs had had to deal with cases where new synthetic drugs that had been put on the market had proved to be potent narcotics. The article should also therefore be preventive and provide for the obligatory inclusion of such synthetic drugs in the schedules.

Mr. GREEN (United Kingdom) pointed out that the provisions of the succeeding paragraphs, particularly paragraph 3, ensured quick action.

Dr. JOHNSON (Australia) said that he too attached great importance to the comments of the Permanent Central Opium Board. Its suggested amendment certainly deserved to be carefully considered, and he personally was in favour of a stronger wording.

Dr. MABILEAU (France) said he had already had occasion to point out that no delegation ought to withdraw from the position it had previously taken when accepting an international instrument already in force. Everyone knew how cautious the Drug Supervisory Body and the Permanent Central Opium Board always were in making recommendations. Their amendment had undoubtedly been very carefully considered and deserved proper examination. Paragraph 1 as a whole might be perfectly acceptable but it seemed rather colourless and flabby; the Drafting Committee could certainly improve on it if the Committee could agree on the substance. The existing text did not, moreover, appear to square with the decision of the Economic and Social Council that the Government of any country in which a particularly potent new drug was produced should, on its own initiative and merely on a recommendation, before the drug was put on the market, take domestic measures to prevent any possible danger even before any studies, which might take a long time, had established beyond doubt whether the drug was or was not a narcotic drug.

Mr. CURRAN (Canada) pointed out that the observation of the Permanent Central Opium Board and the Drug Supervisory Body on page 44 of document E/CONF.34/1 acknowledged that the new text had merits. The possibility of stating in great detail the circumstances in which a party would communicate a notification which might result in the amendment of the schedules had been seriously considered. Such details would, however, only complicate the situation, and the provisions of the Convention should be interpreted in the spirit in which they had been accepted. The succeeding paragraphs did provide for speedy action. In any case, it would be difficult to provide for every possible contingency and there was a danger of saying either too much or too little. It had therefore seemed preferable to keep to the text approved by the Commission.

Mr. ATZENWILER (Permanent Central Opium Board) said he saw no contradiction between PCOB's observations on page 44 of document E/CONF.34/1 and those on page 45. Actually his own remarks related only to paragraph 1; their purpose was to obtain a clear definition of the circumstances in which the Parties were obliged to place a given substance under control.

Mr. KRUYSSE (Netherlands) said he felt it would be superfluous to list the criteria for placing a new substance under control. The main purpose of paragraph 1 was not the amendment of the schedules but the introduction of new measures against certain substances. The phrase " may require an amendment " was satisfactory from the legal standpoint and quite sufficient.

Mr. GREEN (United Kingdom) said he agreed with the Canadian and Netherlands representatives. A paragraph which was meant to cover a number of different situations could not be very specific. The question was one which must be dealt with by national legislation.

It would be best to continue to leave it to the Commission on Narcotic Drugs and the Economic and Social Council to draw attention by their resolutions to any specific steps to be taken in connexion with either synthetic drugs or new natural substances.

Dr. MABILEAU (France) said he agreed with the United Kingdom representative that the Convention should not go into too much detail on the steps to be taken by Governments. He suggested that the Drafting Committee should bear in mind the observations of the Permanent Central Opium Board, though there was no need to increase the length of the paragraph.

The CHAIRMAN said that the final decision would be taken by the Drafting Committee and the plenary meeting. He invited the Committee to vote on paragraph 1.

Paragraph 1 was approved.

Paragraph 2

Mr. DANNER (Federal Republic of Germany), with regard to the words " any information which he considers relevant ", said that it was a question not of judgment but of facts; the words " any relevant information " would be better.

Mr. GREEN (United Kingdom) suggested that, in order to save the Secretary-General from having to transmit a mass of documents, he should be allowed to summarize the information. The Drafting Committee might consider that solution.

Mr. DANNER (Federal Republic of Germany) said that it would often be difficult for the Parties to examine a notification unsupported by documents. It would therefore be advisable to authorize the Secretary-General to summarize the reports communicated to him so that he could transmit them to the parties.

Mr. ACBA (Turkey) said he agreed; what was more, that would make things easier for the parties.

The CHAIRMAN invited the Committee to vote on paragraph 2.

Paragraph 2 was approved.

Paragraph 3

Mr. ATZENWILER (Permanent Central Opium Board) observed that the third draft contained provisions similar to those of sub-paragraph (ii). But paragraph 5 of the third draft provided that decisions taken in accordance with article 3 should not be subject to review by the Council. As that provision did not appear in the new text, he wondered whether its omission was an oversight or deliberate.

Mr. CURRAN (Canada) pointed out that the new paragraph 8, which was taken from the joint re-draft submitted by Canada and the United States (E/CONF. 34/C.2/L.2), was identical with paragraph 5 of the original draft.

Mr. DANNER (Federal Republic of Germany) said that the provisions of paragraph 3 of the United Kingdom amendment were obligatory and did not call for a previous decision by WHO; countries applying provisional control would thus be obliged to take legislative measures. In his view those provisions should take the form of a simple recommendation, as in paragraph 4 of the third draft.

Mr. KROOK (Sweden) said he noticed that the new joint text used the term " capable of conversion ", which appeared in the Paris Protocol but not in article 1 of the third draft; sub-paragraph (*k*) of article 2 should therefore be amended accordingly. Moreover, the meaning of the term " capable of conversion " was not clear. In his opinion it would be sufficient to limit control to substances which were capable of conversion by ordinary means. The Swedish Government had proposed that dextromethadone, which experts had proved was not addiction-producing, should be exempted from international control, but it was still subject to control because the Commission on Narcotic Drugs had taken the view that it could be converted into a narcotic drug. The Netherlands representative had referred to control of substances which were not narcotic drugs, but could be used to manufacture such drugs. In that case, acetic acid would have to be subjected to control. That extreme example showed what different interpretations could be placed on the term " capable of conversion ". The term should be defined in the Convention; the Technical Committee might be asked to prepare a definition.

Mr. GREEN (United Kingdom) said that sub-paragraph (ii) was taken almost word for word from the 1948 Protocol. Germany had recently acceded to that Protocol, so that no fresh difficulty would arise where that country was concerned. Since any amendments to the schedules would have to be made in accordance with constitutional procedures, countries would not necessarily be expected to apply control immediately.

Dr. MABILEAU (France) suggested that if the word " easy " were inserted before the word " conversion " in the third line of sub-paragraph (iii), that would make the text more acceptable without weakening it in any way.

Mr. DANNER (Federal Republic of Germany) said he realized that sub-paragraph (ii) was similar to article 2 of the 1948 Protocol and the authors of the third draft must have known that too, but the provision in article 3, paragraph 4, of the third draft was merely a recommendation.

Dr. HALBACH (World Health Organization), replying to the Swedish representative, said than dextromethadone was still under control because it had not been proved to be free from addiction-producing properties; also it was considered to be readily convertible into an addiction-producing drug. As has been emphasized in a resolution of the World Health Assembly, the matter had to be considered in terms of public health: if a substance could easily be converted into an addiction-producing drug dangerous to health, it should be placed

under control. Where there was a doubt, it was preferable to take precautionary measures.

Mr. KRUYSSE (Netherlands) said it was difficult to determine whether a substance could be converted into an addiction-producing drug. In drafting their amendment, the authors of sub-paragraph (iii) had been at pains to avoid using the phrase " capable of producing addiction or of conversion into a product capable of producing addiction "; the point had not, however, been made clear.

Moreover, the word " abuse " was open to a variety of interpretations. In his view, it could even include convertibility. It might perhaps be better to delete the words " liable to similar abuse " and place the emphasis on the words " capable of conversion into ". But that was only a question of drafting. Since all the substances capable of conversion could not be placed under control, he supported the French representative's suggestion to insert the word " easy " before the word " conversion ".

Mr. ATZENWILER (Permanent Central Opium Board) said that it appeared from the observations of the Permanent Central Opium Board and Drug Supervisory Body on pages 52 and 129 of document E/CONF. 34/1 that in their opinion the wording in question was sufficiently explicit.

Mr. KOCH (Denmark) said he agreed with the Swedish representative that the words " capable of conversion " were too vague. He supported the proposal that the Technical Committee should be asked to define the exact meaning of the term. He did not agree with the French representative that the countries which were parties to earlier protocols and conventions would be bound by their previous positions, because it was entirely possible that they might change their views. Sub-paragraph (iii) was not clear. It would be desirable to provide for the inclusion of certain preparations of such substances in Schedule III. The Drafting Committee might take up the matter.

Mr. GREEN (United Kingdom) pointed out that the phrase " capable of producing addiction " had been deliberately avoided because the third draft was wider in scope than the 1948 Protocol and covered substances such as cannabis. He thought that there was no need to delete the words " liable to similar abuse ", but he would have no objection to the insertion of the word " easy ", as the French representative had suggested.

Dr. MABILEAU (France) said the Danish representative had clearly understood the point of his remarks. The insertion of the word " easy " did not indicate any relaxation in relation to the instruments already in force, because the conversion of some substances involved great technical difficulties and heavy expense.

Mr. RABASA (Mexico) said he could accept paragraph 3 as amended by the United Kingdom, though sub-paragraph (iii) in its present form would seem to suggest that the Commission was empowered to take affirmative decisions only; provision should be made for negative decisions too. He accordingly suggested that, in the sixth line, the words " decide whether " should be used instead of " decide that "; the words " if it so decided ", in the seventh line, could then be deleted.

Mr. GREEN (United Kingdom) said he thought that that was only a matter of drafting. The intention of the amendment was exactly what the Mexican representative had just said. Indeed the word " may ", before " thereupon decide that ", implied an alternative.

The CHAIRMAN put paragraph 3 to the vote.

Paragraph 3 was approved.

Paragraph 4

Mr. BERTSCHINGER (Switzerland) said that the phrase " presence of medicinal ingredients " was inappropriate; talcum and starch were medicinal ingredients. The wording of the paragraph should be amended.

Miss HARELI (Israel) asked whether the text of the paragraph was complete.

Mr. GREEN (United Kingdom) said that the words " it may add that preparation to Schedule III ", which had been inadvertently omitted in document E/CONF. 34/C.2/L.5, had now been added at the end of the paragraph.

Dr. MABILEAU (France) said he agreed with the Swiss representative that the reference to " medicinal ingredients " raised a technical question. The point, which was one of drafting, could be referred to the Technical Committee and need not delay approval of the paragraph. The reference could have two meanings: either that to the principal medicament was added a second therapeutically active substance, or that to some therapeutically active substance were added other non-therapeutically active substances which had the effect of making recovery of the active substance extremely difficult. That was one of the criteria mentioned at the previous meeting and included in the earlier conventions.

Mr. CURRAN (Canada) thanked the French representative for having drawn attention to that point, which would be referred to the Drafting Committee.

The CHAIRMAN put paragraph 4 to the vote.

Paragraph 4 was approved.

Dr. MABILEAU (France), explaining his vote, said that his affirmative vote was not inconsistent with the objections he had just raised, which related only to a point of drafting.

Paragraph 5

Paragraph 5 was approved

Paragraph 6

Paragraph 6 was approved.

Paragraph 7

Mr. de BAGGIO (United States of America) said some appeals procedure was needed in case one of

the Parties disagreed with a decision of the Commission to amend a schedule as provided for in paragraph 3. The appeals board should consist of a small number of experts.

Mr. CURRAN (Canada) said he entirely agreed. There were various possible solutions, but if an appeals procedure were decided on, it should be laid down in detail.

Mr. GREEN (United Kingdom) said he did not think it absolutely necessary to include a provision to that effect in article 3. It would be sufficient to apply to the Council under article 10, paragraph 1 (*a*).

Mr. NIKOLIC (Yugoslavia) said article 10 provided for an appeals procedure; there was no reason to institute a different procedure in another article.

Dr. MABILEAU (France) asked whether the special procedure in paragraph 7 was really essential. What were to be the qualifications of the three experts who would comprise the appeals board ? Under paragraph 7 (*c*), it was to consist of " three experts competent to deal with the medical and scientific aspects of the matter ". It was difficult to see who, apart from the international experts on the WHO Committee, would be competent to review the Commission's decisions.

Mr. RAJ (India) said he had no very strong views on the question and if the majority favoured the procedure proposed by the United States and Canada, his delegation would have no objection. Provisions relating to an appeals procedure could not in any case be included in article 10 because decisions of the Commission in that respect were not subject to review by the Economic and Social Council.

Dr. HALBACH (World Health Organization) said he could not see how any body of medical and scientific experts could possibly review the recommendations of the Expert Committee on Addiction-Producing Drugs which served as the WHO expert body for the medical and public health problems of narcotics. Within the framework of the United Nations, WHO was responsible for those aspects of international narcotics control. He therefore welcomed the amendment to paragraph 5 (*c*) of the joint re-draft which now referred to " experts competent to deal with narcotics control problems ". In order to avoid misinterpretation, he would suggest a more precise wording such as " competent to deal with the administrative aspects of international narcotics control " and a corresponding formulation of paragraph 5 (*a*).

Mr. de BAGGIO (United States of America) pointed out that, under the third draft, decisions of the Commission taken in accordance with article 3 were not to be subject to review by the Council as provided in article 10. Under paragraph 7 as proposed by the United States and Canada one of the three experts would be designated by the Party appealing; the second, who would not have been directly involved in the original decision, would be appointed by the Commission and those first two would jointly choose the third, who would be independent.

Mr. NIKOLIC (Yugoslavia) said that, under the text proposed by the United States and Canada, the Commission could amend a schedule on the advice and recommendation of WHO; if a Party disagreed with that decision, it could ask the Commission to review the matter; on receipt of such a request, the Commission would invite the Parties, including WHO, to comment, and on the basis of its comment would decide whether or not to review its decision; if it decided to do so, it would refer the matter to a body of experts. It thus appeared that the body of experts would have greater authority than the Commission itself; the entire procedure seemed rather extraordinary.

Mr. RABASA (Mexico) said that the third draft offered the Parties no possibility of appealing against decisions of the Commission; article 10 of the draft was deficient in that respect. The United States-Canadian re-draft therefore filled a gap by safeguarding the rights of countries which considered their interests injured by an amendment of the schedules. In any case, the procedure laid down in article 10 was a general procedure and it was preferable to have special provisions for the amendment of schedules, which was a purely technical matter. An amendment to a schedule was, in a sense, an amendment to the Convention itself, since the schedules formed " an integral part " of the Convention. Since international instruments could not be amended without the consent of the Parties, the Commission's power to amend the schedules should be counterbalanced by an additional safeguard for the Parties. The United States-Canadian text offered just such a safeguard.

The Yugoslav representative found it strange that decisions of the Commission and of the Permanent Central Opium Board should be subject to amendment by a board of three experts which would thus apparently be recognized as being better qualified than the Commission. But unless a separate appeals board was provided for, the Commission would be required to judge itself; in other words the judge would have to hear the appeal against his own verdict, and that obviously could not be allowed. Paragraph 7 consequently provided for the constitution of a body of experts selected in such a way as to ensure impartial arbitration. For those reasons, his delegation would support the United States-Canadian proposal and vote for it.

Dr. MABILEAU (France) said that he had no objection to the principle of appeal. It would, however, seem from what the WHO representative had said, that the appeal was to be to three experts in narcotics control; if that were the case, what would the experts rely on in reviewing the technical decisions of WHO? Were those experts to be experts in narcotics control or in medical and scientific matters? The Mexican representative had said that for a judge to have to review his own decision could not be allowed, but the Commission was an executive and not a judicial body, and the executive quite often had to modify its own decisions. There was therefore nothing extraordinary in the Commission being asked to reconsider its own conduct.

Mr. NIKOLIC (Yugoslavia) said that he also was in favour of the principle of appeal, but having received no clarification regarding the criteria that would govern the appointment of the three experts, he would be obliged to abstain in the vote on the United States-Canadian proposal.

Mr. de BAGGIO (United States of America) said that, to avoid any misunderstanding, the authors of the new text proposed for article 3 (E/CONF.34/C.2/L.2) had decided to delete the words "competent to deal with the medical and scientific aspects of the matter", in the second and third lines of paragraph 5 (*c*), which had since become paragraph 7 (*c*). Before any appeals procedure was initiated, the Commission would, under the United States-Canadian proposal, obtain the views of all the Parties and of WHO. If differences of opinion were then found to exist among the Parties, the Commission would have to re-examine the matter. It could reverse its decision before appealing to the three experts.

Dr. MABILEAU (France) said that he had not received a sufficiently clear answer to his question. What exactly was meant by "experts in narcotics control"? Did it mean specialists from the law enforcement branch or the administrative branch? Would they be expected to question technical decisions of WHO on technical grounds?

The CHAIRMAN suggested that the Committee vote on the United States-Canadian amendment (E/CONF. 34/C.2/L.2) and mention the discussion in its report.

Mr. CURRAN (Canada) suggested that the Committee might take a decision on the principle, after which the Drafting Committee could be asked to find a satisfactory form of words regarding the selection of the experts. Although he doubted whether, in practice, it would often be necessary to have recourse to the appeals procedure envisaged, it would be as well to provide for a genuinely democratic procedure, for any change in the schedules would be of considerable importance. His delegation therefore held firmly to its views on the matter.

Mr. ACBA (Turkey) asked whether the experts would be specialists in medical and scientific matters or in narcotics control. In the latter case they would not be competent to rule on decision taken by the WHO Expert Committee. An explanation should be given before the Committee proceeded to vote.

Mr. de BAGGIO (United States of America) said that he was prepared to accept a different definition of the experts' qualifications from that now given in the United States-Canadian amendment. The matter might be left to the Drafting Committee.

The CHAIRMAN asked whether the Committee wished to vote first on paragraph 7 (*c*) separately and then on paragraph 7 as a whole.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said there seemed no need to vote on paragraph 7 (*c*) separately.

Mr. de BAGGIO (United States of America) said he shared that view.

The CHAIRMAN put paragraph 7 as a whole to the vote.

Paragraph 7 was approved by 21 votes to none, with 5 abstentions.

The CHAIRMAN said that in its report the Committee would ask the Drafting Committee and the Plenary Conference to give special attention to the question of the qualifications of the experts.

Paragraph 8

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that paragraph 8 constituted an exception to the general rule laid down in article 10. Article 10 was, however, highly complex and had given rise to objections from several delegations, and it would be premature to examine the exception before the rule to which it applied had been studied. He therefore proposed that discussion of paragraph 8 be postponed until after article 10 had been considered.

The CHAIRMAN put the USSR proposal to the vote.

The USSR proposal was adopted by 14 votes to none, with 14 abstentions.

The meeting rose at 1.45 p.m.

FIFTH MEETING

Thursday, 16 March 1961, a 5.30 p.m.

Chairman: Mr. TABIBI (Afghanistan)

Consideration of Articles 2 and 3 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.35/15 and E/CONF.34/L.8) (*concluded*)

Article 3 (Changes in the scope of control) (*continued*)

Paragraph 7 (resumed from the previous meeting)

The CHAIRMAN invited the Committee to consider the United States amendment (E/CONF.34/L.8) to paragraph 7 as approved at the previous meeting and subsequently amended by the Drafting Committee in its re-draft (E/CONF.34/15) in which it appeared as paragraph 8.

Mr. CURRAN (Canada) said that his delegation, which was a joint author of the original proposal for a procedure for review of decisions of the Commission (E/CONF/34/C.2/L.2), now included in modified form in the drafting committee's report as paragraph 8 (E/CONF.34/15), wished to support the United States amendment (E/CONF.34/L.8).

Mr. de BAGGIO (United States of America), thanking the representative of Canada for his support, said that during the discussion of article 3 in the plenary

meeting, the Conference had recognized that some procedure must be provided for the review of decisions by the Commission on amendments to the schedules, but had been unable to reach agreement on the details. Since the idea of appointing a body of three experts had met with strong opposition, the United States delegation had accordingly decided to modify the original proposal and hoped that the text now before the Committee would be accepted.

Dr. HALBACH (World Health Organization) said there was a typing error of some importance in the first line of paragraph 7 (c), where the seventh word should read " reverse " and not " reserve ".

Mr. BERTSCHINGER (Switzerland) said that, although he preferred the original proposal, he would not oppose the United States amendment.

The United States amendment (E/CONF.34/L.8) was unanimously adopted.

The meeting rose at 6 p.m.

3. Technical Committee

FIRST MEETING

Monday, 6 February 1961, at 11.40 a.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Dr. JOHNSON (Australia)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. ISMAIL (United Arab Republic) proposed Dr. Johnson (Australia).

Mr. HAMMOND (Canada) seconded and Dr. MABILEAU (France) and Mr. LIANG (China) supported the proposal.

Dr. Johnson (Australia) was elected Chairman by acclamation and took the Chair.

The CHAIRMAN, after thanking the Committee for the honour they had done him in electing him to the office of Chairman, called for nominations for the office of Vice-Chairman.

Mr. ERROCK (United Kingdom) proposed Mr. Ismail (United Arab Republic).

Mrs. VASILEVA (Union of Soviet Socialist Republics) seconded and Mr. DANNER (Federal Republic of Germany) supported the proposal.

Mr. Ismail (United Arab Republic) was elected Vice-Chairman by acclamation.

Mr. ISMAIL (United Arab Republic) thanked the Committee for his election.

Technical questions arising out of the Third Draft (E/CN.7/AC.3/9 and Add.1)

Mr. YATES, Executive Secretary, said that the Technical Committee was not called upon to make decisions of substance regarding the text of the Convention. The two duties assigned to the Technical Committee by the Conference were defined in paragraph 6, page 3, of the note by the Secretary-General on the organization of the work of the Conference (E/CONF.34/3). The first duty was to examine the schedules contained contained in the third draft (E/CN.7/AC.3/9/Add.1). The Committee was to examine each individual entry in each schedule and to decide whether it should be in the schedule, be transferred to another schedule or be deleted altogether, and, whether each substance was correctly named or described. In addition, it was to consider whether the schedules were complete, in other words, whether other substances should be added.

In deciding on transfers, deletions or additions, the Committee should be guided not by any purely theoretical factors, but only by the considerations governing the draft Convention as it had been developed, which were: first, that barbiturates, tranquillizers and alcohol were not to be included; secondly, that a substance producing addiction, with the exception of some slightly addicting drugs, should be in schedule I, as also should substances which were convertible into such addiction-producing drugs and were not much used in medicine; thirdly, that substances convertible into addiction-producing drugs but widely used in medicine, should be placed in schedule II, as also should slightly addiction-producing drugs which were less addictive or, at any rate, not more addictive than codeine, as well as substances convertible into such slightly addictive drugs; fourthly, some of the drugs listed in schedule I would also be included in schedule IV, namely, those with particularly strong addictive properties and without specific therapeutic properties, so that patients could be equally well or even better treated by less dangerous drugs not included in schedule IV, fifthly, preparations which, on account of the non-addictive medicines with which they are compounded, could not give rise to addiction, and from which in practice the addictive drug could not be recovered, were to be placed in schedule III; an emetic was an example of such an admixture.

In deciding whether to assign a given drug to a particular schedule, the Committee should be guided by the nature of the restrictions or regime applicable to the substances in the schedule. The regime to which drugs were subjected supplied to the three principal stages of the narcotics trade, manufacture, the wholesale trade, including international trade, and the retail trade, or distribution to physicians and pharmacists. It was a system requiring that each person engaged in any such activity should be licensed and should record

each individual transaction. Moreover, as regards the retail trade, when it applied, a patient should be able to obtain a narcotic drug only on medical prescription.

The systems applied to all three stages in the case only of the most dangerous drugs, such as morphine, listed in schedule I. In the case of less dangerous drugs, such as codeine, which were listed in schedule II, the system applied to manufacture and wholesale trade, but not to the retail trade. In particular, such drugs were exempted from the requirement of medical prescriptions.

Preparations in schedule III were generally exempted from control, apart from technical statistical control.

The regime applicable to drugs in schedule IV was the same as that which applied to drugs in schedule I; the Committee would recall that those drugs were listed in both schedules. In addition, however, Governments were recommended to prohibit the use of those drugs to the extent that they did not prohibit their use for scientific experiments, for example — the full regime applicable to the drugs in schedule I would apply. He was referring now to the regime for schedule IV drugs as it emerged from the *ad hoc* Committee on articles 2 and 3. (E/CONF.34/C.2/L.7).

The Committee's second duty was to examine the definitions contained in paragraphs 3-11, 14, 23-25 and 32 of article 1 of the third draft (E/CN.7/AC.3/9) from the scientific aspect. It was not called upon to prepare a final legal text. It would be sufficient to point out that, for example, a definition of a plant did not include all varieties which might constitute a risk to public health. In other words, if a plant or a variety of plant contained minute amounts of the dangerous substance which in practice did not constitute a risk, it need not be taken into account in suggestions for the revision of the definitions.

The CHAIRMAN suggested that the Committee should first examine each of the substances listed in each schedule and decide whether any other substances should be added to the schedule; secondly, consider how the substances should be classified and where they should appear; and thirdly, settle any problems of terminology and deal with scientific aspect of the definitions in article 1.

It was so agreed.

The meeting rose at 12.5 p.m.

SECOND MEETING

Monday, 6 February 1961, at 2.40 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1)

The CHAIRMAN said that paragraphs 415 to 418 of the Draft Convention (E/CN.7/AC.3/9), which described the schedules, were automatically superseded by the schedules themselves (E/CN.7/AC.3/9/Add.1); they need not, therefore, be examined by the Committee. Each of the schedules would require a preamble, but that could be left until the contents of the schedules had been confirmed. He therefore invited the Committee to examine Schedule I, taking each section item by item, either confirming items or suggesting transfers, and making deletions and additions as it thought necessary.

Dr. EDDY (United States of America) said it was important, before deciding finally which items should be placed in which schedule, to lay down certain clear criteria for the purpose. The Executive Secretary, in his statement at the previous meeting, had made some useful suggestions in that respect by which the Committee might be guided.

Dr. MABILEAU (France), Mr. ISMAIL (United Arab Republic) and Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) supported that suggestion.

The CHAIRMAN said that the Executive Secretary's statement would be circulated to members to assist them in establishing criteria. In the meanwhile, they could consider the substances listed in the first section of Schedule I on their merits.

SCHEDULE I

Mr. BERTSCHINGER (Switzerland) suggested that the title of the first section should be amended, by the addition of the words " or by some other means ", to read: " The following drugs obtained from the opium poppy or by some other means "; the possibility of producing those drugs synthetically should now be admitted.

Mr. ISMAIL (United Arab Republic) pointed out that synthetic drugs were listed separately.

Mr. VERTES (Hungary) said he did not think that that was the point of the Swiss representative's suggestion, a suggestion which he himself fully supported. It was not a question of synthetics proper, but of natural drugs which, by very advanced methods, could now be obtained synthetically also. The schedules ought certainly to take account of the latest developments in chemistry.

Dr. EDDY (United States of America) said that the distinction between synthetic and natural products was unimportant; the essential thing was to control narcotic drugs however they were produced. He therefore suggested that the entire schedule should be headed; " The following drugs, however produced: ".

Mr. HALBACH (World Health Organization) suggested that, if it were the general view it was not important to distinguish between drugs obtained from natural sources and those obtained from other sources, perhaps the entire schedule could be drawn up as one, in alphabetical order, an arrangement which WHO had been employing for some years and had found distinctly preferable.

Dr. GOLDBERG (Sweden), supporting the WHO representative's suggestion, said the alphabetical order was the most efficient arrangement.

Dr. EDDY (United States of America) said that that suggestion could be combined with his own.

It was so agreed.

The CHAIRMAN invited the Committee to decide provisionally on the retention, deletion or transfer of the substances listed in the various sections of schedule I.

First Section (Drugs obtained from the opium poppy)

Opium

Opium was retained.

Poppy straw

Mr. BUKOWSKI (Poland) said he did not think that poppy straw could be classified as a drug. It could not be compared with the poppy itself as a source of opium. The quantities of opium present in poppy straw were very small, were not dangerous, and could not easily be recovered. Poppy straw was in fact of interest only to certain specialized industries. It had never given rise to drug addiction, nor was it in use for medical or quasi-medical purposes.

Mr. VERTES (Hungary) said he entirely supported the statement of the representative of Poland. Poppy straw was not a drug in itself and could not give rise to addiction; it ought therefore to be deleted from the schedule.

Dr. EDDY (United States of America) said that poppy straw could be a source of phenanthrene alkaloids and should, therefore, be controlled.

Mr. LIANG (China) and Mr. HAMMOND (Canada) agreed with that view.

Mr. ISMAIL (United Arab Republic) said that not only should poppy straw be retained, but poppy paste should also be included in the list.

Mr. VERTES (Hungary) suggested that a decision on poppy straw should be postponed pending the outcome of the discussion in the plenary conference on article 32.

Mr. SHADURSKY (Byelorussian Soviet Socialist Republic) said that it would be inappropriate to place poppy straw on the same footing as opium, since poppy straw was not addiction-producing. He supported the suggestion to postpone a decision on the matter.

The decision on poppy straw was postponed.

Benzylmorphine, desomorphine, diacetylmorphine and dihydromorphine were retained.

Esters of desomorphine

Dr. HALBACH (World Health Organization) said that esters of desomorphine were not listed in the 1931 Convention and had not been placed under control since the Convention came into force. They should, therefore, be deleted.

Mr. ISMAIL (United Arab Republic) said that esters of desomorphine should be included in the schedule if they were addiction-producing.

Mr. JOACHIMOGLU (Drug Supervisory Body) suggested that, in order to simplify the list, the phrase " and its esters and salts, so far as they exist " should be added after the name of the basic substance.

It was so agreed.

Esters of dihydromorphine was retained.

Esters of hydrocodone

Mr. BRAENDEN (Secretariat) said that esters of hydrocodone should be deleted because hydrocodone could not form esters. It had been included because the 1931 Convention listed certain substances " and their esters "; it did not state specifically that all those substances could form esters.

Dr. EDDY (United States of America) said it was his impression that certain enolic esters of hydrocodone could exist.

Mr. ISMAIL (United Arab Republic) said that problem was a highly technical scientific one. He suggested that the Committee postpone a decision until the representative of the United States of America and of the Secretariat had met informally for the purpose of reaching an agreement.

It was so agreed.

Esters of hydromorphone, esters of oxycodone and esters of metopon were retained.

Esters of morphine (in addition to diacetylmorphine and myrophine)

Ethers of morphine (in addition to benzylmorphine and myrophine and except codeine, ethylmorphine and pholcodine)

Dr. EDDY (United States of America) suggested that, in line with their earlier agreement, it would be better to consolidate those esters and ethers of morphine under the heading " Morphine, its esters and ethers except codeine, ethylmorphine and pholcodine ".

Dr. GOLDBERG (Sweden) said that the exceptions mentioned were listed in schedule II. In order to leave the way open for the later addition of further substances to schedule II, if desired, he suggested the wording: " Morphine, its salts, esters and ethers with the exception of those listed in Schedule II ".

It was so agreed.

Esters of thebacon

Mr. BRAENDEN (Secretariat) said that that item should be deleted because thebacon could not form esters.

Esters of thebacon was deleted.

Hydrocodone (Dihydrocodeinone), Hydromorphone (Dihydromorphinone), Methyldesorphine (6-methyl-Δ 6-desoxymorphine) and Methyldihydromorphine (6-methyldihydromorphine) were retained

Metopon (7-methyldihydromorphinone)

Dr. EDDY (United States of America) asked whether the figure in the chemical formula should not be 5 instead of 7.

The CHAIRMAN suggested that consideration of metopon be postponed until the Secretariat had had time to study the question.

It was so agreed.

Morphine and Morphine-N-oxide and its derivates were retained.

Myrophine (Myristil ester of benzylmorphine)

Mr. BERTSCHINGER (Switzerland) asked whether it would not be preferable, as in the case of other alkaloids of opium, to say: " Benzylmorphine and its esters "; that would cover myristic acid esters, which could be produced by chemists.

Dr. HALBACH (World Health Organization) said that it would be confusing to persons using the list if the names of substances specifically controlled in the past were omitted. A reader who was not a chemist would not know that myrophine was an ester of benzylmorphine. He suggested the inclusion, after myrophine, of nicomorphine, which had not been specifically controlled but was used in industry.

Dr. EDDY (United States of America) said he thought it would be worthwhile to include, in addition to esters of morphine in general, the names of specific esters known to be on the market.

Mr. HAMMOND (Canada) supported the suggestion that all esters of morphine which were known and in use should be listed specifically.

The CHAIRMAN said that he took it as agreed that myrophine should be retained and nicomorphine should be inserted after myrophine.

It was so agreed.

Normorphine (N-demethylated morphine), Oxycodone (Dihydrohydroxycodeinone) and Oxymorphone (Dihydrohydroxymorphinone) were retained.

Pentavalent nitrogen morphine derivatives (in addition to morphine-N-oxide and its derivatives)

Mr. ISMAIL (United Arab Republic) suggested that pentavalent nitrogen morphine derivatives could be grouped with morphine-N-oxide and its derivatives, since morphine-N-oxide was a pentavalent nitrogen morphine derivative.

Mr. BRAENDEN (Secretariat) said that morphine-N-oxide contained an oxygen which was not necessarily present in the other compounds. There were similarities, however, and the question was open to discussion.

Dr. EDDY (United States of America) said that the pentavalent derivatives other than morphine-N-oxide were generally relatively weak in action, but might be readily convertible back into trivalent derivatives and should perhaps therefore be controlled under schedule I.

The CHAIRMAN said that, if members so desired, a small group could be asked to go into the question and report to the Committee at its next meeting.

Mr. ISMAIL (United Arab Republic) suggested that a sub-committee, composed of the representatives of the United States of America, of the World Health Organization, and of the Secretariat with his expert adviser should be set up to draft a revised list; that was very essential, since the schedules would form the basis of the proposed Convention.

The CHAIRMAN asked if it was agreed that the sub-committee suggested by the representative of the United Arab Republic should meet to study the question and report to the Committee at its next meeting.

It was so agreed.

Thebacon (Acetyldihydrocodeinone, Acetyldemethylodihydrothebaine) and Thebaine were retained.

Any other product obtained from any phenanthrene alkaloid of opium, not in use for medical or scientific purposes on . . . . .

Dr. HALBACH (World Health Organization) said that the wording was too broad for control purposes. What was intended was any product which constituted a risk to public health, but he did not know whether that criterion could be introduced into the schedule.

Dr. EDDY (United States of America) said that the item should be either deleted or modified so as to refer to products having effects which should be controlled under the Convention.

Mr. HAMMOND (Canada) formally proposed that the item be deleted, since there was provision in the Convention for the schedules to be amended at any time.

The CHAIRMAN asked that the proposal for deletion should not be pressed until the sub-committee which was to confer before the next meeting had studied the wording.

It was so agreed.

The meeting rose at 5.15 p.m.

THIRD MEETING

Tuesday, 7 February 1961, at 11.40 a.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1) (*continued*)

SCHEDULE I (*continued*)

First section (continued)

The CHAIRMAN said that the group appointed at the previous meeting to draw up a revised list had arranged the items in alphabetical order so as to facilitate

discussion. It had also reached the conclusion that the final item entitled " Any other product obtained from any phenanthrene alkaloid of opium, not in use for medical or scientific purposes on . . ." was unnecessary and should be deleted.

It was so agreed.

Second section
(Drugs obtained from the coca bush)

The CHAIRMAN suggested that the title should be deleted.

It was so agreed.

Coca leaves

Coca leaves was retained

**Cocaine (Methyl ester of benzoylecgonine)*

Cocaine was retained.

Laevo-ecgonine and its esters as well as all the derivatives of laevo-ecgonine which might serve industrially for its recovery (in addition to cocaine)

Dr. EDDY (United States of America) said that the present wording was not clear. He suggested that it be replaced by: " Ecgonine as well as its esters and derivatives which are convertible into ecgonine or cocaine ".

It was so agreed.

Any other product obtained from the ecgonine alkaloids of the coca leaf, not in use for medical or scientific purposes on . . .

The CHAIRMAN suggested that the item be deleted.

It was so agreed.

Third section
(Drugs obtained from the cannabis plant)

The CHAIRMAN suggested that the title be deleted.

It was so agreed.

Cannabis and cannabis resin, extracts and tinctures of cannabis, or any other substance containing the pharmacologically active principle of the cannabis resin

Mr. JOACHIMOGLU (Drug Supervisory Body) said he thought it would be difficult to determine what was the pharmacologically active principle of the cannabis resin; it might be better to say: ". . . or other pharmacologically active principles of the cannabis resin."

Mr. BERTSCHINGER (Switzerland) pointed out that the cannabis plant might be found to contain, for example, a diuretic substance, which would in that case be placed under control. Instead, therefore, of the term " pharmacologically active principles " it would perhaps be better to speak of " substances capable of producing addiction ".

Mr. VERTES (Hungary) said that the expression that ought to be used, as in all United Nations documents relating to the principles of cannabis, was " one or more . . . principles ".

Dr. EDDY (United States of America) suggested the wording: " Cannabis and cannabis resin, extracts and tinctures of cannabis, or other preparations having the pharmacological action characteristic of the cannabis resin."

Mr. ISMAIL (United Arab Republic) said that in his opinion preparations containing extracts or tinctures of cannabis ought to be included in the schedule.

The CHAIRMAN said he thought that the schedule would cover preparations but not tinctures.

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) pointed out that the wording suggested by the United States representative mentioned " other preparations "; cannabis leaves would therefore be excluded. Since there was illicit traffic in cannabis leaves, at least in the Congo, it would be better to replace the word " preparations " by the word " substances ".

Mr. VERTES (Hungary) said that the leaves were included in the second alternative definition of cannabis, in paragraph 5 of article 1 of the third draft (E/CN.7/AC.3/9). If the Conference adopted that definition cannabis leaves would be automatically covered by Schedule I.

Mr. KELLETT (United Kingdom) said it was important that control should be exercised over substances containing a pharmacologically active principle, but it was not established that the effect of those substances was characteristic. If that could be shown, he was prepared to accept the United States representative's definition.

Mr. VERTES (Hungary) said that article 2.1 (*c*), which was paragraph 37 of the third draft, read: " Preparations other than those listed in Schedule III are subject to the same measures of control as the drugs which they contain." Control therefore applied to all preparations made from cannabis or cannabis resin, or containing the pharmacologically active principle of cannabis, so that there was no need to mention preparations in Schedule I; otherwise, all preparations manufactured from the substances included in Schedules I and II would have to be listed.

The CHAIRMAN pointed out that Schedule III included an item " Preparations made from the extracts and tinctures of cannabis which are capable only of external use."

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) observed that under article 2, paragraph 9 (*a*) of the draft submitted by the *ad hoc* Committee on articles 2 and 3 (E/CONF.34/C.2/L.7), parties would not be required to apply the provisions of the Convention to drugs which were commonly used in industry for other than medical or scientific purposes, provided that they ensured by appropriate methods of denaturing or by other means that the drugs so used were not liable to be abused or have ill effects.

The CHAIRMAN said that, except for the cases covered by that provision and the one he had already mentioned, extracts and tinctures of cannabis and cannabis resin would have to be retained in Schedule I.

Dr. EDDY (United States of America) said he would withdraw the wording he had suggested and proposed instead,: " Cannabis and cannabis resin, extracts and tinctures of cannabis or other preparations representing a quantity of cannabis which may be reasonably expected to provide effects similar to that of cannabis itself."

Mr. KELLETT (United Kingdom) said he could support that proposal.

Dr. HALBACH (World Health Organization) said that while he was in general agreement with that proposal, he would prefer it if the word " preparations " were replaced by the word " substances "; the word " preparations " should be reserved for Schedule III.

Mr. KELLETT (United Kingdom) said he agreed with that view.

Dr. GOLDBERG (Sweden) also agreeing, said he hoped the plenary conference would take the amended wording into account when it came to consider article 39, paragraph 2 (*a*).

Mr. ILLESCAS (Mexico) suggested that the words " any other substance " in the existing draft should be replaced by " substances and preparations ".

Dr. HALBACH (World Health Organization) said that he saw no necessity to mention preparations other than those contained in Schedule III, since they were subject to the same measures of control as the drugs which they contained.

The CHAIRMAN pointed out that the case was covered by article 2, paragraph 3, in the *ad hoc* Committee's redraft (E/CONF.34/C.2/L.7).

Mr. VERTES (Hungary) suggested that it should be stated at the end of both Schedule I and Schedule II that the regulations applicable to substances appearing in those Schedules also applied to preparations.

Dr. HALBACH (World Health Organization) said that such an addition might be useful to users of the Schedules, but, if it were decided to include it, other general observations might have to be included also and it might then be difficult to draw the line between essential and inessential explanations. It was therefore better to keep to the present arrangement, since the provisions relating to preparations were mentioned in article 2.

Mr. HAMMOND (Canada) said he saw no necessity to mention extracts, tinctures and preparations, as they were not mentioned in the case of other substances in Schedule I. He therefore proposed that drugs obtained from the cannabis plant should be defined simply as " Cannabis and cannabis resin, their derivatives and similar substances ".

Dr. EDDY (United States of America) said that the expression " similar substances " was vague. He would therefore prefer the following definition: " Cannabis and cannabis resin or any other substance representing a quantity of cannabis which may be reasonably expected to produce effects similar to those of cannabis itself."

Mr. HAMMOND (Canada) said that the definition proposed by the United States representative seemed satisfactory.

Mr. JOACHIMOGLU (Drug Supervisory Body) said he would prefer to see the words " similar to those of cannabis itself " replaced by " characteristic of cannabis itself."

Mr. ISMAIL (United Arab Republic) said it was important to clarify the definition so that it could be applied without any risk of misunderstanding by those responsible for dealing with illicit traffic. He therefore reserved his position and proposed that a sub-committee be set up to draft a clear and unambiguous definition.

The CHAIRMAN suggested that a sub-committee be appointed composed of the representatives of Canada, the United States, the United Arab Republic and WHO.

It was so agreed.

The meeting rose at 12.35 p.m.

FOURTH MEETING

Tuesday, 7 February 1961, at 3.10 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1) (*continued*)

SCHEDULE I (*continued*)

Third section (continued)

The CHAIRMAN said the wording suggested by the sub-committee appointed at the previous meeting as a replacement for the definition in the third section read: " Cannabis, cannabis resin, and other substances which may reasonably be expected to produce those effects which are associated with the abuse of cannabis ".

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) asked what were the implications of the word " reasonably ".

The CHAIRMAN said that the word might have legal implications; its deletion would make the wording more specific.

Mr. DANNER (Federal Republic of Germany) said that presumably substances were known which produced the effects associated with the abuse of cannabis; if so, those substances should be named in the schedule. If the phrase was intended to refer to substances not yet known, it should not be used in a schedule of that nature. Its inclusion would raise the question who was to decide whether a substance produced such effects.

Mr. JOACHIMOGLU (Drug Supervisory Body) said that the chemistry of cannabis was very complicated, and although some mixtures of substances had been obtained from cannabis and others by synthesis, it was not possible to name them in the Convention. The wording used was a guarantee that any active substance having the effects of cannabis ever obtained and abused by addicts could be placed under control.

The CHAIRMAN said that obviously an analyst in the country concerned would determine whether, in the light of the tests at his disposal, a substance produced effects comparable with those of cannabis.

The sub-committee's wording, as amended by the deletion of the word " reasonably ", was approved.

Fourth section
(Drugs of the pethidine group)

Mr. BERTSCHINGER (Switzerland) suggested the addition of " diphenoxylate (1- (3 - cyanopropyl - 3, 3. diphenyl) - 4 phenyl - 4 piperidine - 4 - carboxylic acid ethyl ester) ".

It was so agreed.

The list of drugs in the fourth section, with the above addition, was retained.

Fifth section
(Drugs of the methadone group)

Dr. HALBACH (World Health Organization) said that the drug acetylmethadol comprised alphacetylmethadol and betacetylmethadol, both of which appeared in the group. Those two drugs had been placed under control by separate procedures, and the question of principle arose as to whether they should be listed separately or whether the item " acetylmethadol " should be used to cover both.

Mr. KELLETT (United Kingdom) said that unless individual substances were named separately in every case, it would never be clear whether all of them were covered.

Mr. BRAENDEN (Secretariat) pointed out that methadol and dimepheptanol were different names for the same substance.

Dr. EDDY (United States of America) suggested that the problem could be dealt with by the inclusion of a definition on the lines of the one referring to the salts of drugs, at the end of schedule I; a possible wording would be " The configurational isomers of all the drugs listed in this schedule whenever the formation of such isomers is possible ". In the few cases, however, where the names had come into general use, such as alphacetylmethadol and betacetylmethadol, it would be wise to include both names.

Mr. KELLETT (United Kingdom) said he agreed that the United States representative's suggestion could be useful, but the definition must be carefully worded to indicate that configurational isomers were covered only when their existence was possible within the terms of the heading, by which he meant the parent substance listed in schedule I. He suggested that the definition should read: " The isomers of all the drugs listed in this schedule whenever the existence of such isomers is possible within the terms of the heading ".

Mr. JOACHIMOGLU (Drug Supervisory Body) said that one difficulty to be borne in mind was that some isomers of certain substances were addiction-producing, while other isomers of the same substances were not.

Dr. GOLDBERG (Sweden) said that his delegation favoured the retention of the present list with the addition of the proposed definition suitably amended to take account of the comment of the representative of the Drug Supervisory Body. The schedules contained the names of substances which had been the subject of deliberations by the World Health Organization's Expert Committee and were under international control, and those names should be retained. All isomers were covered by existing treaties and any new ones would be provisionally covered until it was proved that they were not addiction-producing. The Expert Committee had never so far exempted any isomer except on the basis of irrefutable evidence.

Dr. EDDY (United States of America) suggested the insertion after the first word " isomer " in his proposed wording, of the words " unless specifically excepted ".

Dr. HALBACH (World Health Oraganization) said that such a wording would not be satisfactory to the layman who had to use the schedule and who would not know what substances were excepted; he would need to have a list of drugs which were free from control.

Dr. GOLDBERG (Sweden) suggested that the excepted substances should be specified in the list by indicating them in brackets, as for instance, " Methadone (excluding . . .) "; the names of the isomers specifically exempted could then be listed.

Mr. KELLETT (United Kingdom) said that he thought the necessary limitations were covered by the wording he had suggested.

It was agreed that the definition suggested by the United Kindgom representative should be inserted at the end of schedule I.

The list of drugs in the fifth section was retained.

Sixth section
(Drugs of the morphinan group)

Mr. BERTSCHINGER (Switzerland) said it was his understanding that dextrorphan and destromethorphan were excluded from control; it might be useful to note those exceptions in the schedule.

Mr. KELLETT (United Kingdom) said it was clear from the descriptions given in the list itself that those drugs were excluded.

Dr. GOLDBERG (Sweden) said that it might nevertheless be useful, from a practical point of view, either

to list the excepted isomers in the schedule or to draw up a separate list of excepted substances, if that was practicable.

Mr. JOACHIMOGLU (Drug Supervisory Body) pointed out that a list of excepted preparations already existed, and that it might lead to confusion if a second list were brought into existence.

Mr. DANNER (Federal Republic of Germany) said that he did not think it necessary to list exempted substances in the schedule; it was clear from the list itself that dextromethorphan was not included.

Dr. HALBACH (World Health Organization) said that a separate list of excepted substances might not be legally acceptable; the Committee should seek legal advice on the point before taking any action.

The CHAIRMAN suggested that the matter be left in abeyance until the legal aspect had been clarified.

It was so agreed.

The list of drugs in the sixth section was retained.

Seventh section
(Drugs of the dithiemylbutenylamino group)

Eighth section
(Drugs of the hexamethyleneimine group)

The list of drugs in the seventh and eighth sections was retained.

The CHAIRMAN suggested that proposed additions to the listed drugs should be included, in alphabetical order, in the revised schedules and considered by the Committee when it took up those schedules.

It was so agreed.

SCHEDULE II

The CHAIRMAN invited the Committee to consider the drugs listed in Schedule II.

First section
(Drugs obtained from the opium poppy)

Mr. ISMAIL (United Arab Republic) suggested that paracodeine be included in parenthesis as a synonym for dihydrocodeine.

Mr. DANNER (Federal Republic of Germany) pointed out that paracodeine was a trade name in the Federal Republic of Germany.

The CHAIRMAN said that great practical difficulties would be created if an attempt were made to include proprietary names in the schedules.

Dr. EDDY (United States of America) said that the Committee would be well advised to stick to the principle that drugs should be listed only by their chemical names and structural formulae. It was the purpose of the multilingual list of narcotic drugs (E/CN.7/341) to obviate the need for the inclusion of synonyms in the schedules.

Mr. JOACHIMOGLU (Drug Supervisory Body) said that the Permanent Central Opium Board supplied every Government with a list containing all proprietary names of drugs.

The CHAIRMAN, there being no support for the suggestion that proprietary names be included in the schedules, formally proposed that drugs be designated by their international non-proprietary names followed by the standard form of chemical use.

It was so decided.

The list of drugs in the first section was retained.

Second section
(Drug of the methadone group)

Mr. BERTSCHINGER (Switzerland) asked how long propoxyphene had been classified as addiction-producing.

Dr. HALBACH (World Health Organization) said that propoxyphene had been classified as addiction-producing a few years ago. It had been recommended for international control but could not be placed in the codeine group because it was not convertible, and schedule II was reserved for substances convertible into addiction-producing drugs. Norcodeine, another addiction-producing drug which was not convertible, had also been officially recommended for international control by the World Health Organization.

Propoxyphene, the only drug in the second section, was retained.

SUB-COMMITTEE ON CRITERIA

Dr. EDDY (United States of America) said he thought the time had come for a discussion of the criteria to be applied when listing drugs in the schedules.

The CHAIRMAN suggested that a sub-committee, consisting of Dr. Eddy (United States), Mr. Kellett (United Kingdom), Mr. Hammond (Canada), Dr. Halbach (WHO) and Mr. Braenden (Secretariat), be appointed to examine the question and report to the Committee.

It was so agreed.

The meeting rose at 5.5 p.m.

FIFTH MEETING

Wednesday, 8 February 1961, at 2.10 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1) (*continued*)

SCHEDULE III

The CHAIRMAN invited the Committee to consider schedule III.

Mr. HOLZ (Venezuela) said that many of the preparations listed in schedule III were obsolete. Some, such as Dover's Powder, might have some merit, but others, such as the diacetylmorphine preparations, were of doubtful therapeutic value and should be deleted from the list.

Dr. EDDY (United States of America), supporting that view, said he saw no reason why the drugs exempted should be limited to those listed in schedule II; he accordingly proposed the deletion from the first definition of the words " listed in schedule II ".

Dr. GOLDBERG (Sweden) said the Expert Committee on Addiction-Producing Drugs had expressed the opinion that " only those preparations should be retained as exempted preparations which constitute no risk to public health and from which the potentially addicting agent is not readily recoverable ". (WHO Technical Report Series, 1960, No. 188, section 6.3.)

Dr. HALBACH (World Health Organization) said that the Expert Committee's opinion was intended to apply to preparations of drugs listed in schedule II, but there was no reason why it should not apply to all preparations. In view of the obsolete nature of many of the preparations listed, WHO had recommended the deletion of all preparations with the exception of Dover's Powder, Pulvis Doveri, and Pulvis Ipecacuanhae compositus.

Mr. KELLETT (United Kingdom) supporting the proposal to delete the words " listed in schedule II ", said that while he agreed that many of the preparations listed in schedule III were obsolete, the Committee should adopt a cautious approach regarding deletions and should not be guided by purely medical considerations. Ointment of gall and opium, for example, was of little therapeutic value, but there was a considerable trade in it and its deletion from the list would be inappropriate on commercial grounds.

Mr. ILLESCAS (Mexico) suggested the deletion of the second definition, " Preparations made from the extracts and tinctures of cannabis which are capable only of external use ", because in effect it merely kept certain drugs at hand for the preparation of medicines which were obsolete. It was true that some doctors still used out-of-date methods, but retention of the sentence would allow pharmacists to keep such preparations and would constitute a temptation to their abuse.

Mr. DANNER (Federal Republic of Germany) said that in some parts of Germany doctors prescribed dilute tinctures of cannabis for homeopathic use; cannabis appeared in the homeopathic pharmacopoeia of the Federal Republic, and no abuse had ever been observed.

The CHAIRMAN said that article 39, paragraph 3, of the third draft restricted the use of cannabis to indigenous systems in certain countries, especially India; he wondered whether that paragraph would cover homeopathic use in the Federal Republic.

Mr. DANNER (Federal Republic of Germany) said that other delegations, including that of the Netherlands, had stated at the discussion on article 39 in that morning's plenary meeting that cannabis was used and prescribed for a similar purpose in their countries. The whole article had now been referred to a working party, but he did not think that article 29, paragraph 3, covered the use of cannabis in medical practice.

Mr. BERTSCHINGER (Switzerland) and Mr. VAN NIEUWENBURG (Republic of the Congo (Leopoldville)) associated themselves with the views of the representative of the Federal Republic of Germany; extracts and tinctures of cannabis were used for a similar purpose in their countries.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said that schedule III listed preparations from only a few pharmacopoeias, which were merely of historical interest and not sufficiently generalized. It ought to provide full details of the permissible quantities of the drugs listed in schedules I and II which could be included in preparations for them to be exempted from control.

Mr. JOACHIMOGLU (Drug Supervisory Body) said that it was very difficult to support the retention of a long list of obsolete preparations and he wondered whether it was possible to bring them under the third definition at the beginning of schedule III. The therapeutic action of the preparations listed was attributable not to their drug content, but to lanolin and other ingredients, so that if the drug content could be reduced to 0.1 per cent of cocaine or 0.2 per cent of morphine, they would come within the terms of the third definition.

Mr. HOLZ (Venezuela), while agreeing that preparations based on cannabis for external use caused no harm, thought it would be difficult to prove that they had any therapeutic value; they should, therefore, be deleted from the schedule. Venezuelan law required proof that any therapeutic preparation not only caused no harm, but had beneficial results, and unless its usefulness could be proved, cannabis was a social danger.

Dr. GOLDBERG (Sweden) said that in some countries the introduction of new drugs and therapeutic preparations was prohibited by law unless they were proved to have some value; few new preparations were then introduced in those countries because of the cost of the tests required to establish their value. If the prohibition of cannabis were at least recommend, some countries would adopt the recommendation. In countries where it was used in very small amounts but where its value was doubtful, medical associations should recommend other more effective medicines, as had been done in the case of heroin. If that were done, the second definition in schedule III could be deleted.

Mr. KELLETT (United Kingdom) said he agreed with the USSR representative that any formulae which were allowed to remain in schedule III should be more generalized. The Committee must decide to what extent it wanted to direct medical practice throughout the world. The medical professions in the various countries

had behind them the experience of centuries and a knowledge of the whole population of their country, and the burden of proof of the usefulness of existing preparations should not be put on them. If a preparation did no harm, and if there was a real demand for it, there should be no interference; and the Committee should be prepared to examine evidence, not only from laboratories but from the trading organizations of each country. He would suggest, on that basis, that about six of the preparations in the existing list should be retained.

Mr. NAKAJIMA (Japan) said he agreed that the second definition should be deleted. He understood that many Governments had accepted the present wording of the first definition, and if other more stringent criteria were introduced to replace that wording, it might be difficult for his country to participate in the Convention. In Japan, preparations containing less than 1 per cent of codeine or hydro-codeine and not compounded with another therapeutically active substance were permitted, and there had been no consequent abuse or risk to public health.

Mr. HAMMOND (Canada) said that in Canada all preparations containing narcotic drugs were subject to precisely the same measures of control as the drugs which they contained, the only exceptions being those containing a small amount of codeine. Adoption of the schedule would create administrative difficulties for Canada; if adopted, it should represent minimum requirements and not absolute standards.

Dr. EDDY (United States of America) said that the wording of the three definitions which prefaced the schedule was satisfactory, except that the first ought not to limit the preparations included to those containing drugs listed in schedule II; there should also perhaps be a preamble setting out the provisions for the acceptance of a product for inclusion in schedule III. The preamble might be worded: " The provisions for acceptance of a product for inclusion in schedule III are primarily that such a preparation is not subject to any significant abuse or risk to public health and that the potentially addicting substance contained cannot be recovered in any degree which would constitute an abuse of the drug in question." The present wording could then follow, but should omit any reference to schedule II.

The CHAIRMAN suggested that the Committee proceed to examine the individual preparations listed in the schedule, and that the question of the wording of the first three definitions prefacing the schedule be submitted to a sub-committee composed of the representatives of Sweden, the Union of Soviet Socialist Republics, the United States and the World Health Organization.

It was so agreed.

The CHAIRMAN invited the Committee to review the list of preparations in schedule III and to propose the deletion of any preparation which it considered obsolete, though it might wish to take therapeutic usefulness into account.

Anodyne Balm

Mr. JOACHIMOGLU (Drug Supervisory Body) suggested that Anodyne Balm was automatically exempt, as it contained less than 0.2 per cent of morphine.

Mr. DANNER (Federal Republic of Germany) pointed out that the limiting percentage mentioned in the preface to schedule III related to morphine and not to opium.

Mr. JOACHIMOGLU (Drug Supervisory Body) said that the form in which the drug was present in the preparation was immaterial.

Dr. HALBACH (World Health Organization) said that it would be necessary to determine whether the third definition in the preface to schedule III referred to pure substances or to substances containing cocaine or morphine. A decision on Anodyne Balm could be deferred until that question had been settled; alternatively, it could be deleted if it was considered obsolete.

Mr. HAMMOND (Canada), supported by Mr. DANNER (Federal Republic of Germany), suggested that the item be deleted; it was doubtful whether it was used to any extent.

Mr. HOLZ (Venezuela) supporting the suggestion, said that, in any event, drugs such as opium and morphine were difficult to classify.

Anodyne Balm was deleted.

Dover's Powder

Mr. KELLETT (United Kingdom) suggested that Dover's Powder be retained as it was by no means obsolete, but the various forms of it should be consolidated in one entry.

It was so agreed.

Emplastrum Opii

Dr. EDDY (United States of America) suggested that the five Emplastrum Opii entries be deleted.

It was so agreed.

Linimentum Opii

Mr. KELLETT (United Kingdom) suggested that any indulgence granted to a formula in schedule III should apply equally to any mixture of the substance not subject to control under the Convention. The first Linimentum Opii preparation listed on page 13 was not obsolete in the United Kingdom and he proposed that it be retained, but defined by chemical formula.

Dr. HALBACH (World Health Organization) pointed out that it was one of the three opium officinal preparations mentioned in footnote 18 on page 11.

Mr. KAYMAKCALAN (Turkey) proposed that opium preparations for external use should be deleted from the schedule as they were of no therapeutic value.

Mr. HOLZ (Venezuela) seconded the Turkish proposal.

Dr. EDDY (United States of America) seconded the United Kingdom proposal to retain the first Linimentum

Opii preparation, as there appeared to be a demand for and trade in it.

Mr. DANNER (Federal Republic of Germany) supported the United Kingdom's proposal.

The CHAIRMAN put the United Kingdom's proposal to the vote.

The United Kingdom proposal was rejected by 10 votes to 5, with 3 abstentions.

The first Linimentum Opii preparation was deleted.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said that she had abstained from voting because the preparation appeared to be of some commercial value, even if its therapeutic value was doubtful.

Mr. DANNER (Federal Republic of Germany) said that, for the same reason, he had voted in favour of the United Kingdom proposal. Use of a preparation should be the criterion for its retention.

Mr. LIANG (China) said that he had abstained from voting as the preparation was not used in his country.

The CHAIRMAN put the Turkish proposal to the vote.

The Turkish proposal was adopted.

The second, third and fourth Linimentum Opii preparations were deleted.

Pilulae Anti-Diarrhoeae

The preparation was deleted.

Pilulae digitalis et Opii compositae

Mr. ISMAIL (United Arab Republic) suggested that the preparation be deleted as it was impossible to ensure the quality of the digitalis leaves used.

The preparation was deleted.

Pilulae Hydrargyri cum Creta et Opio

Mr. ISMAIL (United Arab Republic) suggested that the preparation be deleted.

The preparation was deleted.

Pilulae Hydrargyir cum Opio, Pilulae Hydrargyri bichlorati cum Opio Extracto, Pilulae Hydrargyri cum Opio pulverato and Pilulae Ipecacuanhae cum Scilla were deleted.

Pilulae Plumbi cum Opio

Mr. KELLETT (United Kingdom) said that the preparation was included with an improved formula in the 1949 British Pharmaceutical Codex and was still a valuable article of trade. He proposed that it be retained in the schedule in the 1949 B.P.C. form.

It was so decided.

Pilulae Terebinthinae compositae

Dr. GOLDBERG (Sweden) proposed that the preparation be deleted; it was not listed in recent editions of the Swedish pharmacopoeia.

It was so decided.

Pulvis Doveri

The CHAIRMAN suggested that a sub-committee be appointed with instructions to combine in one entry the various Dover's Powder preparations listed in the schedule.

Mr. ISMAIL (United Arab Republic) said that the various pharmacopoeias listed Dover's Powder under a number of different formulae. He suggested that it be described in schedule III as " prepared according to the latest edition of any pharmocopoeia ".

Mr. KELLETT (United Kingdom) said that there was still a considerable demand for the preparation in its British Pharmacopoeia 1914 and British Pharmacopoeia 1958 forms. In his view, it should be defined in schedule III as consisting of 10 per cent *pulvis opii*, 10 per cent *pulvis ipecacuanhae* and 80 per cent inert substances.

Mr. ISMAIL (United Arab Republic) said he would withdraw his suggestion and support the United Kingdom proposal.

Mr. VERTES (Hungary) said he could support the wording suggested by the United Kingdom representative but would prefer a phrase such as " and other ingredients " instead of " 80 per cent inert substances ".

The CHAIRMAN suggested that a generally acceptable formula should be prepared by the sub-committee for consideration at the next meeting.

It was so agreed.

The meeting rose at 5.30 p.m.

SIXTH MEETING

Thursday, 9 February 1961, at 11.5 a.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1) (*continued*)

SCHEDULE III (*continued*)

Pulvis Doveri (Pulvis Opii et Ipecacuanhae Com.), (Deutsches Arnzneibuch 6), *Pulvis Ipecacuanhae compositus (Dover's Powder)*, (British Pharmacopoeia 1914)

Mixtures of Dover's Powder with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate

The CHAIRMAN said that the sub-committee appointed at the close of the previous meeting, with instructions to combine in a single definition the various Dover's Powder preparations listed in the schedule, had suggested the wording: " *Pulvis Ipecacuanhae et Opii compositus* (Dover's Powder) or any other preparation of the same formula, namely, 10 per cent opium in powder, 10 per cent ipecacuanha root in powder,

well mixed with 80 per cent of other powdered ingredients containing no substance subject to any form of control under this Convention ".

Dr. GOLDBERG (Sweden) asked whether the word " *compositus* " indicated a mixture of ipecacuanha and opium or implied that a third substance had been added.

Mr. KELLETT (United Kingdom) said that in the United Kingdom the word " *compositus* " did not necessarily indicate that the preparation contained a third substance.

Dr. GOLDBERG (Sweden) said that he was prepared to accept the proposed definition, although in Sweden the word " *compositus* " was applied only to preparations containing a third sentence.

The text read out by the Chairman was approved.

Pulvis Kino compositus, (British Pharmacopoeia 1914, British Pharmaceutical Codex 1934

Suppositoria Plumbi composita, (British Pharmacopoeia 1914)

Tabella Hydrargyri cum Opio (Royal Army Medical Service Department, Thailand)

The above three preparations were deleted.

Tabella Plumbi cum Opio (Thailand)

Mr. JOACHIMOGLU (Drugs Supervisory Body) said he saw no objection to the deletion of the preparation; it should be noted, however, that lead could produce a condition of chronic poisoning which it was not possible to detect in advance.

The preparation was deleted.

Tablettae Plumbi cum Opio (British Pharmaceutical Codex 1923)

Tablets for Coryza No. 2 (Frank S. Betz and Co., USA)

Tablets for Diarrhoea No. 2 (Sullivan) (Frank S. Betz and Co., USA)

Tablets for Dysentery (H. K. Mulford Co., USA)

Tablets of powdered Ipecacuanha with opium (Austrian Pharmacopoeia VIII)

Unguentum Gallae compositum (British Pharmaceutical Codex 1923)

Unguentum Gallae compositum mixed with other ointments and plasters contained in the British Pharmacopoeia *or* British Pharmaceutical Codex

The above seven preparations were deleted.

Unguentum Gallae cum Opio (British Pharmacopoeia 1914)

Mr. KELLET (United Kingdom) said than the composition of the ointment as given in the British Pharmaceutical Codex of 1959 was not the same as that given in the schedule. He therefore proposed that the latter be replaced by the more general formula: " Finely powdered opium, 75 per mil; finely sifted gall, 185 per mil; suitable ointment base containing no substance subject to any form of control under this Convention, 740 per mil ".

Mr. HOLZ (Venezuela) said that at the previous meeting an ointment had been deleted from the schedule because it was acknowledged that opium preparations for external use were of no therapeutic value. He accordingly found it difficult to accept the formula proposed by the United Kingdom representative.

The CHAIRMAN pointed out that the ointment was still used for the treatment of haemorrhoids and was still sold in the United Kingdom and, he presumed, in Australia and other countries.

Dr. EDDY (United States of America) said that although he questioned the therapeutic value of the ointment, since it was sold commercially and there was no reason to subject manufacturers to unnecessary controls, he would support the United Kingdom representative's proposal.

Mr. KAYMAKCALAN (Turkey) said that he shared the view of the Venezuelan representative. In his opinion, all opium preparations for external use should be deleted from the schedule.

Mr. DANNER (Federal Republic of Germany) said he supported the United Kingdom representative's proposal.

The United Kingdom proposal was adopted by 8 votes to 3, with 5 abstentions.

Mr. HAMMOND (Canada) said that he had voted against the proposal so that the preparation might not be exempted from control. He questioned whether local application of the ointment had any therapeutic value; moreover, its misuse had caused problems in Canada.

Unguentum Gallae cum Opio mixed with other ointments and plasters contained in the British Pharmacopoeia *or* British Pharmaceutical Codex

Mr. KELLET (United Kingdom) suggested that, if it were decided to retain the main preparation in schedule III, any dilution of it should be automatically exempted from control. The item could then be dealt with later.

It was so agreed.

Additional morphine preparations

Yatren-105 (Iodoxyquinoline-sulphonic acid) with 5 per cent opium admixture

The preparation was deleted.

Anti-dysentery mixture (British Dispensary, Bangkok)

The preparation was deleted.

Cereoli Iodoformi et morphinae (British Pharmaceutical Codex 1923)

The preparation was deleted.

Caustic " Nerve Pastes "

The preparation was deleted.

Additional cocaine preparations

Bernatzik's Injections

The preparation was deleted.

Caustic " Nerve Pastes "

The preparation was deleted.

Cocaine and Atropine Tablets, with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet

The preparation was deleted.

Natrium biboracicum compositum cum Cocaine

Mr. BERTSCHINGER (Switzerland) said that the preparation in question was widely used in Switzerland but with a different composition: cocaine, borax and menthol. There was no antipyrine.

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) noted that pastilles known as BCM pastilles, whose composition was the same as that indicated by the Swiss representative, were still sold commercially.

Mr. HOLZ (Venezuela) said that the pastilles were also used in Venezuela, except that a local anaesthetic of synthetic origin was substituted for cocaine.

The CHAIRMAN suggested that a decision on the entry be deferred.

It was so agreed.

Pasta Arsenicalis (British Pharmaceutical Codex)

The preparation was deleted.

Stila's Injections

The preparation was deleted.

Voice Tablets

The preparation was deleted.

Additional cannabis preparation:

Indian Cigarettes of Grimault (Dr. Ph. Chapelle)

The preparation was deleted.

Hydrocodone preparation

Cardiazol-Dicodide Solutions

Mr. JAOCHIMOGLU (Drugs Supervisory Body) pointed out that the preparation was entered under a trade name.

Dr. GOLDBERG (Sweden) said than in Sweden the preparation was frequently used as a narcotic. He proposed that it should be deleted.

Mr. HOLZ (Venezuela), supporting the Swedish representative's proposal, said that in Venezuela the preparation was controlled as a narcotic drug.

The preparation was deleted.

Oxycodone preparations:

Anti-Opium Tablets (Dr. C. Gayetti, M.D.)

The preparation was deleted.

Tablets B.B. Compound (Dr. Lionel Verkey)

The preparation was deleted.

Diacetylmorphine preparations:

Elixir Camphorae compositum

Elixir Diamorphinae et Terpini, with Apomorphine

Linctus Diamorphinae cum Ipecacuanha (British Pharmaceutical Codex 1934)

Linctus Senegae Compositus

Linctus Thymi compositus

The five preparations were deleted.

The CHAIRMAN invited the Committee to consider the three sets of drugs contained in Schedule IV.

SCHEDULE IV

Drugs obtained from the cannabis plant: Cannabis and cannabis resin, extracts and tinctures of cannabis, or any other substances containing the pharmacologically active principle of the cannabis resin (subject to the special régime provided for in article 39)

Dr. HALBACH (World Health Organization) pointed out that all the drugs in question were already included in schedule I; in his opinion, if the definition were retained in schedule IV at all, it should be worded in the same way as in schedule I.

The CHAIRMAN observed that article 39 of the third draft, on the prohibition of cannabis, had a bearing on the question.

Mr. KELLET (United Kingdom) said that he was not certain that the question was a technical one and therefore the concern of the Committee. Doctors might consider use of those drugs for medical purposes undesirable but should not be prevented from exercising their own judgment. They were undoubtedly very dangerous drugs and must be put under control, but doctors should be free to use them if they considered it necessary. The question was one of principle.

The CHAIRMAN, drawing attention to the provisions of article 2, paragraph 5, in the report of the *ad hoc* Committee an articles 2 and 3 of the Convention (E/CONF.34/C.2/L.7), said that in his opinion the Committee should consider schedule IV from that point of view. The *ad hoc* Committee recommended prohibition of the drugs, but each country would be free to adopt whatever measures it considered necessary. The Committee could, if it so wished, recommend the inclusion of other drugs in schedule IV, but only on technical grounds; political implications would be considered by the plenary Conference.

Dr. EDDY (United States of America) said he did not agree that the wording should be exactly the same as that adopted for schedule I. The other drugs in schedule IV were not sufficiently dangerous to require their prohibition. Only cannabis was extremely dangerous.

Mr. DANNER (Federal Republic of Germany) said he doubted whether cannabis itself was a substance to which the terms of article 3 of the draft Convention could appropriately be applied. The text adopted for schedule I was not suitable for schedule IV.

Dr. EDDY (United States of America) said that while, as a technical man, he was inclined to agree with the United Kingdom representative, he did not think it would be right to recommend the deletion from schedule IV of the substances other than cannabis.

The CHAIRMAN said that if cannabis were retained, it would automatically be covered by the provisions of article 2, paragraph 5, in the report of the *ad hoc* Committee on article 2 and 3 (E/CONF.34/C.2/L.7).

Mr. HAMMOND (Canada) said that, in the light of the WHO representative's comments, it might be necessary to review the wording suggested for cannabis in schedule I. Moreover, as there was a possibility that article 3 would be amended, changes might also be needed in article 39.

Dr. EDDY (United States of America) said that he would vote against the retention of cannabis in schedule IV if the text referring to it was to be the same as that used in schedule I.

Dr. HALBACH (World Health Organization) pointed out that, as the substances listed in schedule IV were also to appear in schedule I, their description must be exactly the same in both cases. There was, however, no reason why the definitions in schedule I relating to cannabis should not be divided into two parts, only one of which need be reproduced in schedule IV.

The CHAIRMAN suggested that the question be referred to a sub-committee composed of the representatives of Canada, the United States and WHO.

It was so agreed.

Dr. EDDY (United States of America) suggested that the three sub-headings of schedule IV be deleted and the various entries listed in alphabetical order.

It was so agreed.

Drugs obtained from the opium poppy:

Desomorphine

Diacetylmorphine

Mr. HAMMOND (Canada) pointed out that, since the entry relating to diacetylmorphine in schedule I had been amended, the same changes should be made in schedule IV.

It was so agreed.

Dr. GOLDBERG (Sweden) said that the effects of desomorphine were still not fully known and it was desirable that qualified practitioners should be permitted to use it in a form involving no danger to public health, even if the drug continued to be listed in schedule IV.

Dr. HALBACH (World Health Organization) said that, on the basis of the known facts, it did not seem necessary to place desomorphine on the same footing as heroin.

Dr. EDDY (United States of America) said that desomorphine had first been marketed in the United States but was now prohibited, as it was in Europe, where it had been manufactured for some time. It was a quick-acting and powerful analgesic which might be effective in certain cases, for instance, in the treatment of pain following an injury, but it had practically disappeared from the market and been replaced by other non-addiction-producing analgesics. In the circumstances it seemed logical to retain it in schedule IV on technical grounds, thus making it clear to doctors that they should use it with caution. Its deletion from schedule IV might, however, be considered on non-technical grounds.

Dr. GOLDBERG (Sweden) said that he would like to know the opinion of the WHO Expert Committee.

Dr. HALBACH (World Health Organization) said that the Expert Committee had noted that desomorphine was no longer on the market and had therefore not thought it necessary to recommend expressly that it be retained in schedule IV.

The CHAIRMAN said that in that case it was for the Committee to take a decision. Paragraph 2 of the introduction to the schedules (E/CN.7/AC.3/9/Add.1) stated that " Schedule IV contained drugs subject to a regime of prohibition not provided for at present ". The observations of the Commission on Narcotic Drugs on the subject should be taken into account.

Dr. GOLDBERG (Sweden) said that if desomorphine were retained in schedule IV, doctors would know that it was a dangerous drug. On the other hand, if the Conference decided to delete it from schedule IV, it might be assumed that it was no longer considered dangerous, which would be a serious mistake. For that reason it would seem advisable to retain desomorphine in schedule IV.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said that the Commission on Narcotic Drugs had recommented that desomorphine be listed in schedule IV, while the WHO Expert Committee had not taken a clear position in the matter. It would therefore seem advisable not to delete it.

The CHAIRMAN, speaking as the representative of Australia, said that he would abstain if the Committee were asked to vote on a proposal to delete desomorphine from schedule IV.

Mr. HAMMOND (Canada) said that three points had to be considered. First, desomorphine was dangerous; secondly, its consumption was practically nil; thirdly, even when a substance was listed in schedule IV, there

was no provision that required its absolute prohibition in all countries. In the circumstances he thought that desomorphine should be retained.

Mr. DANNER (Federal Republic of Germany) said that he was not in a position to express an opinion since he had no information an the therapeutic value of desomorphine.

Further consideration of desomorphine was deferred.

The meeting rose at 1 p.m.

SEVENTH MEETING

Thursday, 9 February 1961, at 3.15 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1) (*continued*)

SCHEDULE IV (*continued*)

The CHAIRMAN invited the Committee to continue its examination of schedule IV. It had been suggested that the words " extracts and tinctures of cannabis " should be deleted from the first line of the first definition.

Mr. RAJ (India) said that, unless a precise definition of cannabis was given in article 1, only cannabis resin should be mentioned.

The CHAIRMAN suggested that " Cannabis and cannabis resin " should be provisionally retained, subject to the outcome of the examination of the definition contained in article 1.

It was so agreed.

Drug of the pethidine group:

Ketobemidone

Ketomidone was retained.

Examination of the definitions contained in paragraphs 3-11, 14, 23-25 and 32 of Article I of the Third Draft from the scientific aspect (E/CN.7/AC.3/9)

" *Cannabis plant* " (paragraph 3)

The CHAIRMAN invited the Committee to take up the second of the tasks entrusted to it, the examination of various definitions contained in article I of the third draft (E/CN.7/AC.3/9), beginning with " Cannabis plant ". Botanists did not admit the existence of varieties of the cannabis plant, but agriculturists maintained that they did exist and that they were able to recognize them. It might, therefore, be safer to adopt the definition " any plant of the genus Cannabis ".

Mr. RAJ (India) said he agreed with the Chairman but would like the qualification " yielding resin with addiction-producing properties " added.

Mr. ASAHINA (Japan) said he preferred the simple definition " *Cannabis sativa L.* ".

Mr. VERTES (Hungary) said that the problem could be solved by defining " cannabis plant " as " any plant of the genus Cannabis cultivated to produce hashish ". There was no question of controlling the cultivation of the plant for industrial purposes.

Mr. KELLETT (United Kingdom) pointed out that the cannabis plant cultivated for industrial purposes sometimes produced resin.

The CHAIRMAN observed that at the first meeting of the Committee, the Executive Secretary of the Conference had stated that it would be sufficient to point out that a definition of a plant did not include all varieties which might constitute a risk to public health.

Dr. EDDY (United States of America) said that, since cannabis plant cultivated for fibre or seed sometimes produced resin, the definition " any plant of the genus Cannabis " should be adopted.

Mr. ILLESCAS (Mexico) said he was in favour of a definition containing all the commonly-known names of the cannabis plant.

Mr. DANNER (Federal Republic of Germany) said that, since cultivation of the cannabis plant for industrial purposes was not to be controlled, there was no need for a restrictive definition.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said she supported the definition suggested by the Hungarian representative, though it might be useful to add the qualification " producing resin with narcotic properties ".

The CHAIRMAN suggested that, since article 39, paragraph 1, did not prohibit the growing of the cannabis plant, it might perhaps be regarded as adequately safeguarding the interests of countries wishing to grow the plant for fibre.

Mr. HAMMOND (Canada) said that the cannabis plant was also referred to in article 2. He suggested that a decision on the definition should be postponed until the *ad hoc* committees studying articles 2 and 39 had finished their work.

It was so agreed.

" *Cannabis* " (paragraphs 4 and 5)

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) said that, of the two alternatives proposed, he preferred that contained in paragraph 5.

Mr. ASAHINA (Japan) said that, as the active principle of cannabis was also contained in the leaves of the plant, he agreed that the definition contained in paragraph 5 was to be preferred.

Mr. RAJ (India) said that he considered the definition contained in paragraph 4 more acceptable, as the cannabis plant grew wild in India and it was therefore almost impossible to subject the leaves to control.

Dr. EDDY (United States of America) suggested that the two paragraphs should be combined and that the definition should include the leaves but not the seeds.

The CHAIRMAN pointed out that in botany the term " top " meant the entire plant above the ground.

Mr. KELLETT (United Kingdom) said that the term " top ", as used in the definition, was an agricultural term, and meant the part of the plant not used in the production of fibre.

The CHAIRMAN suggested that a small sub-committee should be appointed to produce a definition combining paragraphs 4 and 5, and that the matter should meanwhile be left in abeyance.

It was so agreed.

" *Cannabis resin* " (paragraph 6)

The CHAIRMAN suggested that the words " or partially separated " should be deleted, as the phrase " whether crude or purified " covered partially separated resin.

It was so agreed.

The definition, as thus amended, was approved.

" *Coca bush* " (paragraphs 7 and 8)

Mr. KELLET (United Kingdom) said that he did not consider either of the proposed definitions entirely satisfactory from the point of view of narcotics control. The number of varieties of coca bush which were possible sources of narcotics was so large that it might be better to define " coca bush " simply as any plant from which cocaine could be manufactured. He therefore suggested that the definition should read: " ' Coca bush ' means any species of the genus Erythroxylon whose leaf contains cocaine or any other ecgonine alkaloid ".

Mr. RAJ (India) and Mr. DANNER (Federal Republic of Germany) supported the suggestion.

The definition suggested by the United Kingdom representative was approved.

" *Coca leaf* " (paragraphs 9-11)

Mr. DANNER (Federal Republic of Germany) suggested that, on the analogy of the definition of " coca bush " just approved by the Committee, " coca leaf " might be defined simply as the leaf of the coca bush.

Dr. EDDY (United States of America) suggested that the definition proposed in paragraph 10 — " the leaf of the coca bush [except a leaf from which all cocaine, ecgonine or alkaloids thereof have been removed].— " should be adopted provisionally. If after article 38 had been revised it became evident that the words in square brackets were unnecessary, they could be deleted later.

It was so agreed.

Dr. HALBACH (World Health Organization) suggested that, in the interests of accuracy, the phrase " cocaine, ecgogine, or alkaloids thereof " in paragraph 10 should be replaced by " ecgonine, cocaine or any other ecgonine alkaloids ".

It was so agreed.

The definition in paragraph 10, as amended, was approved.

" *Crude Cocaine* " (paragraph 14)

The definition was approved.

" *Medicinal Opium* " (paragraph 23)

Mr. KELLETT (United Kingdom) said he found the expression " the national pharmacopoeia " unclear; in any case, the first two lines of the definition should suffice.

Mr. HOLZ (Venezuela) said he agreed that the first two lines would suffice, but if the longer form were used it should read " ... in accordance with the requirements of national pharmacopoeias or the international pharmacopoeia ...".

Mr. BERTSCHINGER (Switzerland) said that the concluding phrase, " whether in powder form ... " was certainly unnecessary; he suggested that the definition should end with the words "... for medical use in all its forms ".

Dr. EDDY (United States of America) pointed out that under that formulation tincture of opium would be included, which was not intended; it would be wiser to keep the longer form.

Mr. KAYMAKCALAN (Turkey) said he wondered whether it was necessary to define medicinal opium at all.

Dr. HALBACH (World Health Organization) asked whether, without the concluding words, " or otherwise, or mixed with neutral materials ", the definition would be sufficient to exclude liquid preparations.

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) said that medicinal opium ought to be defined, if only because the term was used for purposes of statistical classification. Medicinal opium did not include liquid forms, which were always classified as preparations.

Mr. JOACHIMOGLU (Drug Supervisory Body) suggested that a definition reading " ' Medicinal opium ' means opium which has undergone the processes necessary to adapt it for medicinal use according to national pharmacopeias or the international pharmacopoeia " would be fully adequate.

The CHAIRMAN put to the vote the definition suggested by the representative of the Drug Supervisory Body.

The suggested definition was approved by 9 votes to 5, with 3 abstentions.

" *Opium Poppy* " (paragraph 24)

Mr. RAJ (India) said that the criterion applied in the definition proposed appeared to be intention to use rather than capability of use in manufacture, which would be more appropriate. If the second line were amended to read " other species of Papaver which contain morphine or any of the phenanthrene alkaloids ", that would be in keeping with the definition approved for the coca bush.

Mr. VERTES (Hungary) said that definition of the opium poppy was closely linked with that of poppy straw, and it would be better if a decision on the former were deferred pending the adoption of articles 31 to 34.

It was so agreed.

The meeting rose at 5.40 *p.m.*

EIGHTH MEETING

Monday, 13 February 1961, at 3.15 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1, E/CONF.34/C.3/L.1 to 3) (*continued*)

The CHAIRMAN invited the Committee to consider the report prepared by the sub-committee appointed at the fourth meeting on the criteria adopted for placing a substance in one schedule or another. The report consisted of two parts, the first entitled " General Comment, " and the second " Schedules ". The first part read:

" *General Comment* "

" The main considerations which influenced the Technical Committee in placing a substance in one schedule or another were:

" (*a*) its degree of liability to abuse and

" (*b*) its risk to public health and social welfare.

" In addition, when considering each substance in a schedule for retention, deletion or transfer to another schedule, and when considering an entirely new substance or preparation for possible inclusion in a schedule, certain more specific indicators were adopted by the Committee.

" These could, collectively, be called ' criteria ', not only because they are important factors in any such discussion of substances which present a risk to health, but also because they provide a uniform basis upon which the Committee could work smoothly within its terms of reference. "

The first part of the Sub-Committee's report was approved.

" *Schedules* "

The CHAIRMAN said that the second part of the report, entitled " Schedules " opened with a sentence which could in fact more conveniently be added to the end of the first part. The sentence read:

" In the Committee's judgment, these criteria best describe the current situation and should not predicate against the possibility that qualitatively different substances may in the future present an abuse-liability problem requiring control."

Dr. EDDY (United States of America) said the sentence suggested some uncertainty in the minds of the Committee. It should either be deleted or be placed immediately after the end of the first part and the title of the second part, " Schedules ", deleted.

Dr. GOLDBERG (Sweden) said the Committee had given its reasons for placing each substance in a particular schedule. However, it could not and did not want to lay down rigid rules for the future, because it did not know what the situation would be in a few years. The sentence which opened the second part of the paper referred to a problem which the Expert Committee of WHO had already considered, the possibility of future international control of such substances as barbiturates and tranquillizers. The Expert Committee had not thought is necessary for such substances to be put under international control, and had merely suggested how control could be enforced. But in case the question arose in the future, the headings of the schedules ought not to be so worded as to prevent control of those substances. In the circumstances, it might be better to delete the sentence.

Mr. ISMAIL (United Arab Republic) said it would be advisable to keep the sentence as a precaution, since WHO had been studying the question of barbiturates and tranquillizers for three years. It might, however, be moved to the end of the first part.

The CHAIRMAN suggested that the words " should not predicate " should be replaced by " will not predicate ".

Dr. HALBACH (World Health Organization) said that the sentence was designed to prevent any possibility of differing interpretations in the future. Although the Sub-Committee's report was not to be incorporated in the Convention, there was some danger of its contents being used to support a purely personal interpretation of the suggested criteria. That was why its authors had thought it useful to show in one may or another that the criteria followed by the Committee were valid for the present time. They had not wanted to prejudge the future, because new facts might bring about quite a different situation. If, however, the sentence was liable to give the impression that there was some uncertainty in the Committee, it would be best simply to delete it.

Mr. BERTSCHINGER (Switzerland) asked what was meant by the words " qualitatively different substances ".

Dr. EDDY (United States of America) said the words struck him as ambiguous, which was one reason why he had proposed that the first sentence should be deleted.

Dr. GOLDBERG (Sweden) said he thought that the words referred to substances which were not addiction-producing but might be abused.

The CHAIRMAN put to the vote the United States proposal to delete the sentence.

The United States proposal was adopted by 12 votes to 4.

The title " Schedules " and the sentence opening the second part were deleted.

Schedule I

The CHAIRMAN said that the proposed definition of the substances to be placed in schedule I read:

" The substances in this Schedule are those:

" (*a*) having addiction-producing and addiction-sustaining properties greater than those of codeine and more or less comparable to those of morphine;

" (*b*) convertible into a substance having addiction-producing or addiction-sustaining properties with an ease and yield such as to constitute a risk of abuse greater than that of codeine;

" (*c*) having a liability to abuse comparable to that of cannabis or cocaine;

" (*d*) convertible into a substance having a liability to abuse comparable to that of cannabis or cocaine."

Mr. BERTSCHINGER (Switzerland) asked whether it would not be better to insert the word " easily " before the word " convertible " at the beginning of sub-paragraph (*b*).

The CHAIRMAN observed that in that case the words " an ease and yield " in the same sub-paragraph would have to be replaced by " a yield ".

Mr. KELLETT (United Kingdom) said he could not agree that the Swiss representative's suggestion would be an improvement. In its present form sub-paragraph (*b*) laid down a quasi-quantitative rule to apply to the ease with which the substances in question could be converted. He proposed that in sub-paragraphs (*b*) and (*d*) the words " convertible into a substance " be replaced by " convertible into substances ".

The CHAIRMAN put the United Kingdom proposal to the wote.

The United Kingdom proposal was adopted by 14 votes to 1, with 1 abstention.

Mr. RAJ (India) suggested that the term " cannabis " in sub-paragraphs (*c*) and (*d*) should be more precisely defined. It covered cannabis itself, cannabis resin, cannabis leaves and so on. But leaves should not be included in schedule I because their effect was not comparable with that of cocaine. They could perhaps be placed in schedule II.

The CHAIRMAN said that the Indian representative's suggestion raised a question of definition; in any case the Sub-Committee had not tried to be absolutely precise on that point.

Dr. EDDY (United States of America) suggested that, in sub-paragraph (*c*) the words " cannabis resin " should be inserted after the word " cannabis " and that the end of sub-paragraph (*d*) should be amended to read simply " comparable to that of cocaine."

Mr. KELLETT (United Kingdom) pointed out that there were a large number of closely related substances which were potentially convertible into substances having a liability to abuse as defined in sub-paragraph (*d*). A cautious approach should therefore be adopted, in view of the possibility of new developments, and it would be better if the end of sub-paragraph (*d*) were amended to read: " comparable to that of cannabis, cannabis resin or cocaine ".

Mr. HOLZ (Venezuela) and Dr. EDDY (United States of America) said they would accept that suggestion.

Mr. RAJ (India) suggested that in sub-paragraph (*c*) the words " cannabis or cocaine " should be replaced by the words " cannabis resin, the flowering or fruiting tops of cannabis, or cocaine ". Although the precise definition of the term " tops " had not been settled, everyone knew what it meant. It followed that cannabis leaves should be placed not in schedule I but somewhere else.

Dr. EDDY (United States of America) said he thought it was enough to say " cannabis or cocaine " without going into further detail; cannabis in any form was liable to abuse.

Mr. RAJ (India) said there was a difference in the degree of risk of abuse inherent in the leaves of cannabis and in the resin and tops. In any case, it was not right to compare cannabis with cocaine. He would not press for a vote on the point, but would suggest the insertion of the words " cannabis resin ".

The CHAIRMAN suggested that the wording " cannabis, cannabis resin or cocaine " should be used provisionally, subject to future definition.

It was so agreed.

Schedule II

The CHAIRMAN said that the proposed definition of the substances to be placed in schedule II read:

" The substances in this schedule are those:

" (*a*) having addiction producing or addiction-sustaining properties not greater than those of codeine but at least as great as those of propoxyphene;

" (*b*) convertible into a substance having addiction-producing or addiction-sustaining properties with an ease yield such as to constitute a risk of abuse not greater than that of codeine ".

Mr. BERTSCHINGER (Switzerland) asked whether the Committee had yet decided whether or not propoxyphene should be retained in schedule II.

The CHAIRMAN said that no decision had yet been taken, but if it were decided not to include pro-

poxyphene the definition of the substances in Schedule II would be redrafted.

The definition of the substances to be placed in Schedule II was approved.

Schedule III

The CHAIRMAN said the proposed definition of the substances to be placed in Schedule III read:

" Comprises preparations only which:

" (*a*) are intended for legitimate medical use;

" (*b*) have a specified drug content which, under the conditions of compounding of the preparation, would not constitute a risk of abuse;

" (*c*) are compounded with one or more other therapeutic substances in such a way that the preparation has no, or a negligible, addiction-producing or addiction-sustaining liability, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a step towards its abuse ".

Dr. EDDY (United States of America) suggested that in sub-paragraph (*c*) the words " therapeutic substances " should be replaced by the word " ingredients ", as the sub-committee had at first suggested. If there was no risk of abuse, the substance was of no importance, whether it was therapeutic or not.

Mr. KRUYSSE (Netherlands) said that the meaning of the word " ingredients " was not clear; a " drug ", as used in sub-paragraph (*b*), was also an " ingredient ".

Dr. EDDY (United States of America) said that sub-paragraphs (*b*) and (*c*) to some extent overlapped. He therefore suggested that sub-paragraph (*b*) should be deleted and the following words inserted at the beginning of sub-paragraph (*c*): " have a specified drug content and . . . .".

Dr. GOLDBERG (Sweden) pointed out that if sub-paragraph (*b*) were deleted, the risk of abuse would have to be mentioned in sub-paragraph (*c*).

Dr. EDDY (United States of America) said he agreed. The words " in such a way that the preparation has no or a negligible addiction-producing or addiction-sustaining liability " in sub-paragraph (*c*) should then be replaced by the words " in such a way that the preparation has no or a negligible risk of abuse ".

Mrs. VASILEVA (Union of Soviet Socialist Republics) felt that the reference to therapeutic substances would limit the possibility of extracting drugs from preparations. The word " ingredients " could apply to sodium and sugar, for instance, from which drugs could easily be extracted.

Dr. HALBACH (World Health Organization) pointed out that, under the criteria for exempting preparations from schedule II drawn up by the Committee of Experts, the preparations had to contain at least one other therapeutic substance, not subject to international control, which would prevent the extraction of the drug and rule out any risk of abuse. The presence of other ingredients could therefore be envisaged, provided that the drug could not be extracted and that the preparation presented no risk of abuse.

Mr. KELLETT (United Kingdom) observed that the WHO Committee of Experts evidently did not consider it necessary that the ingredient compounded with the drug should be a therapeutic substance; all it required was that the risk of abuse should be negligible, as specified at the end of sub-paragraph (*c*). There was therefore no need to mention therapeutic substances.

Mr. RAJ (India) said that, if sub-paragraph (*c*) were amended as suggested by the United States representative, it would be better to replace the word " drug " by the words " the potentially addicting agent ".

Dr. EDDY (United States of America) said he did not think that a more precise expression than " drug " was necessary, in view of the definition of narcotic drugs already to be found in the Convention.

Mr. HOLZ (Venezuela) proposed that the non-addiction-producing isomers of the drugs listed in schedule I should be included in schedule III.

Dr. EDDY (United States of America) said he did not think it necessary to mention those substances, since they were automatically exempted.

Mr. RAJ (India) proposed that the final words in sub-paragraph (*c*), " in a yield which would constitute a step towards its abuse ", should be replaced by the words " in a yield which would constitute a risk to public health ".

The CHAIRMAN pointed out that risk to public health was already mentioned in the general comments, which applied to all the schedules.

He put to the vote the first two United States amendments for the deletion of sub-paragraph (*b*) and the insertion at the beginning of sub-paragraph (*c*) of the words " have a specified drug content and."

The first two United States amendments were adopted by 15 votes to 5.

The CHAIRMAN put to the vote the third United States amendment, for the replacement of the words " in such a way that the preparation has a negligible addiction-producing or addiction-sustaining liability " in sub-paragraph (*c*) by the words " in such a way that the preparation has no, or a negligible, risk of abuse ".

The third United States amendment was adopted by 17 votes to 1, with 2 abstentions.

The definition of the substances to be placed in schedule III, as thus amended, was approved.

Mr. KRUYSSE (Netherlands) said that he had abstained from voting because the expression " risk of abuse " was not sufficiently precise. It would have been better to refer to the dual risk of producing or sustaining addiction.

Mr. HOLZ (Venezuela), pointing out that barbiturates and tranquillizers did not appear in any of the schedules, asked whether it was not possible to mention them in some way.

The CHAIRMAN replied that the Committee's terms of reference excluded barbiturates, tranquillizers and other similar substances; there was, however, no reason why a committee of WHO, or some other body, should not take up the question. It had been on the Commission's agenda for a long time.

Schedule IV

The CHAIRMAN said they had now reached the last schedule prior to having a look at the new substances for inclusion in schedule I. The proposed definition of the substances to be placed in Schedule IV read:

" The substances in this Schedule are those:

" (*a*) having strong addiction-producing properties or a liability to abuse not offset by peculiar therapeutic advantages which cannot be met by some other drug; and

" (*b*) for which deletion from general medical practice is desirable because of the risk to public health."

The Committee would note that no reference was made to any other general medical drugs, nor was the question of production or manufacture brought in, since that was not within their terms of reference.

Mr. KRUYSSE (Netherlands) said that while he approved of the text, he thought the Committee should mention the risk of abuse rather than addiction-producing properties, as it had already done in schedule III.

The CHAIRMAN pointed out that the text would not appear in the Convention. Only the schedules, which would form the second part of the Committee's report, would be included in it.

Mr. KRUYSSE (Netherlands) said the thought the first part of the Committee's report was perhaps more important than the second part, which would be adopted by the Conference. The views expressed at meetings of the Committee would be recorded in the summary records and in the commentary on the Convention. The same wording should therefore be used in schedule IV as in schedule III; otherwise it might be assumed that there was some difference, and that would be unfortunate. There should be no difference between the treatment accorded to abuse of substances such as cocaine and that accorded to abuse of morphine.

Dr. GOLDBERG (Sweden) pointed out that desomorphine was strongly addiction-producing, but it was by no means certain that it was abused by many people. Cannabis, on the other hand, was perhaps used by a large number of people but was not in itself strongly addiction-producing. Both expressions could therefore be retained in schedule IV and a reference to addiction-producing properties introduced into schedule III.

The CHAIRMAN pointed out that Schedule IV comprised substances which were in a class apart.

Mr. KELLETT (United Kingdom) observed that the word " met ", in the phrase " advantages which cannot be met ", in the English text was not appropriate and should be replaced by another verb.

Mr. RAJ (India) suggested, first, that the word " peculiar " was not very clear; secondly, that there should be an indication that the drugs included in schedule IV also appeared in schedule I; and thirdly, that since Schedules I, II and III, in referring to addiction-producing properties and risk of abuse, drew comparisons with certain substances, it might be well to do the same in schedule IV.

Dr. EDDY (United States of America) suggested that the word " peculiar " should be replaced by the word " unique "; alternatively, it could be deleted and the word " met " replaced by the word " afforded ".

It was so agreed.

The definition of the substances to be placed in Schedule IV, as thus amended, was approved.

Schedule I, Parts, 1, 2 and 3 (E/CONF.34/C.3/L.1, 2 and 3)

The CHAIRMAN invited the Committee to examine the list of drugs in schedule I, as now revised and rearranged.

Dr. HALBACH (World Health Organization) suggested that dextromoramide, levomoramide and racemoramide, substances included in Part 2 (E/CONF.34/C.3/L.2), should have a footnote indicating the chemical formula now used.

Mr. KELLETT (United Kingdom) said he thought that he, more than anyone, was responsible for the form in which that systematic name of dextromoramide now appeared. In general those systematic names had been brought into line with the principles recommended by the International Union of Pure and Applied Chemistry (IUPAC) and that was very largely on his suggestion because he had been struck by a certain haphazardness in the systematic names of drugs in the schedules. In making the suggestions he did, he had been anxious to avoid haphazardness rather than to put forward claims for any particular system, but it was very much before his mind that those schedules were not a chemical list but in fact a clinical list and that clinical practice and effectiveness must come first. He was therefore prepared to modify his suggestion for avoiding haphazardness by suggesting that the Committee follow the rules of the International Union of Pure and Applied Chemistry except where there was good clinical reason for departing from them.

The CHAIRMAN pointed out that the list would be used in conjunction with the Multilingual List of Narcotic Drugs (E/CN.7/341). The three moramides in question had been designated according to the rules of IUPAC for the sake of uniformity.

Mr. ISMAIL (United Arab Republic) said that a drug could be sold under a systematic name without the nature of the product being disclosed; it would

therefore be better to use the common name rather than the chemical name.

Mr. KRUYSSE (Netherlands) said that doctors used abbreviated names and not chemical names. Another committee of the Conference had recommended the use of international non-proprietary names as the official names, but that would present some risk when a new chemical name was introduced. The Technical Committee had therefore made a very wise decision in applying the new IUPAC system to designate narcotic drugs. If there were any danger of confusion as the result of a slight change in name, it would be easy for national authorities to inform doctors and pharmacists.

He now wished to raise a rather different point, that of the difficulty caused by the use of Greek characters when reproducing formulae in documents. Greek characters were not to be found on typewriter keyboards and had to be inserted by hand. It would therefore be better to write out the letters in full: alpha, beta, gamma, etc.

The CHAIRMAN suggested that a sub-committee be appointed to examine the questions of nomenclature and formulae which had been raised; it might consist of the representatives of Hungary, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America.

It was so agreed.

The meeting rose at 5.40 p.m.

NINTH MEETING

Tuesday, 14 February 1961 at 3 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1, E/CONF.34/C.3/L.1 to 4) (*continued*)

Report of the Sub-Committee on Criteria
(resumed from the previous meeting)

The CHAIRMAN invited the Committee to consider the report of the Sub-Committee on the criteria determining the inclusion of substances in the various schedules, as amended at the previous meeting (E/CONF.34/C.3/L.4).

The amended report was approved.

Report of the Sub-Committee on Nomenclature and Formulae

The CHAIRMAN said that the Sub-Committee set up at the previous meeting had recommended that no changes be made in the arrangement of the Schedules as regards either nomenclature or formulae. International non-proprietary names and formulae as standardized by IUPAC would continue to be used, it being understood that the mutilingual list of narcotic drugs (E/CN.7/341) was to be regarded as an indispensable adjunct to the Schedules. It had also recommended that Greek letters used in formulae be represented by their names written out in full and not by characters.

The Sub-Committee's recommendations were approved.

The CHAIRMAN invited the Committee to consider the text which had been drafted by the Sub-Committee for insertion at the end of Schedule I reading: " The provisions of the Schedule apply to:

" (*a*) the isomers, unless specifically excepted, of all the substances in the Schedule whenever the existence of such isomers is possible for specific chemical designation;

" (*b*) the esters and ethers, unless appearing in another Schedule, of all the substances in this Schedule whenever the existence of such esters or ethers is possible;

" (*c*) the salts of all drugs listed in this Schedule, including the salts of the isomers, esters and ethers whenever the existence of such salts is possible."

Mr. KELLETT (United Kingdom) suggested that, in sub-paragraph (*c*), the words " isomers, esters and ethers " should be replaced by the words " esters, ethers and isomers as provided above ".

It was so agreed.

The text, as thus amended, to be added at the end of Schedule 1, was approved.

Schedule 1, Part 3

The CHAIRMAN invited the Committee to examine the list of additional substances to be included in Schedule 1 (E/CONF.34/C.3/L.3).

Dr. EDDY (United States of America) pointed out that in the formula for phenazocine, the figures appearing before benzomorphan should be 6,7 instead of 2,7.

The list, as thus amended, was approved.

Schedule 1, Part 1 (E/CONF.34/C.3/L.1)

Poppy straw and poppy straw concentrate

The CHAIRMAN said that the Sub-Committee had proposed the addition of an asterisk after " poppy straw concentrate ", in accordance with paragraph 4 of document E/CN.7/AC.3/9/Add.1, and the relegation of " poppy straw " to a footnote followed by a commentary.

Mr. RAJ (India) urged that poppy straw should be defined, whether concentrate of poppy straw was defined or not.

Mr. HAMMOND (Canada) pointed out that poppy straw and control of the opium poppy and opium production were being considered by another committee with a view to amending the article dealing with the control of those substances. Control of poppy straw was a difficult matter and was not really necessary until poppy straw came on the market as a raw material for manufacture. There was more point in controlling concentrate of poppy straw.

The CHAIRMAN said that the Sub-Committee, after hearing a statement by the representative of Hungary on the manufacture of concentrate of poppy straw, had proposed that it be listed in Schedule 1 and defined as " Concentrate of poppy straw, a substance, irrespective of its consistency, having a morphine content of 1 per cent or more ".

Dr. EDDY (United States of America) suggested that the definition should be " Concentrate of poppy straw, containing 1 per cent or morphine and/or 1 per cent or more of phenanthrene alkaloids ", followed by an asterisk and a footnote reading " Poppy straw, when it meets these conditions, should be subject to the provisions of Schedule 1 ".

Mr. ISMAIL (United Arab Republic) said he thought it had been agreed at the morning meeting of the Sub-Committee to refer to " 1 per cent of anhydrous morphine " instead of just " 1 per cent of morphine ".

Mr. KELLETT (United Kingdom) said that any reference to anhydrous morphine could only be for purposes of calculation. He suggested that the words " calculated as anhydrous morphine " be inserted in brackets after the words " 1 per cent ".

It was so agreed.

Poppy straw and concentrate of poppy straw, as thus defined, were included in Schedule 1.

Mr. ISMAIL (United Arab Republic) asked whether poppy paste would be included if it contained 1 per cent or more of morphine.

The CHAIRMAN said that it would; the whole question would be dealt with in the new article on poppy straw which was being examined by a working group.

Propoxyphene

The CHAIRMAN put to the vote the question which had been raised by the Swiss representative of the previous meeting, whether or not propoxyphene should be retained in Schedule II (E/CN.7/AC.3/9/Add.1).

It was decided by 16 votes to none, with 1 abstention, that propoxyphene should be retained.

Norcodeine

The CHAIRMAN put to the vote the question of the inclusion of norcodeine in Schedule II.

It was decided by 15 votes to none, with 2 abstentions, that norcodeine should be included.

Schedule III

The CHAIRMAN invited proposals for the inclusion of other preparations in Schedule III.

Mr. KELLETT (United Kingdom) proposed that the preparation designated in the British Pharmaceutical Codex 1959 as " Eyedrops of cocaine and mercury chloride " should be included in Schedule III. The formula was cocaine: 0.5 gramme; mercury chloride: 0.033 gramme; dehydrated alcohol: 1 millilitre; castor oil: 95 millilitres. The United Kingdom exported considerable quantities of the preparation, which was used particularly for first aid to workers whose eyes had been affected by iron filings.

Mr. HOLZ (Venezuela) said that the preparation contained a very caustic substance which could be harmful to the mucous membrane; it should not be included in Schedule III. Any country that wished to manufacture a preparation of that kind could either substitute a synthetic drug for cocaine, or reduce the cocaine content to the maximum specified in the preamble to Schedule III.

Dr. EDDY (United States of America) pointed out that, whatever its therapeutic value, the preparation was bought and sold through commercial channels. He therefore saw no reason why it should not be included in Schedule III.

The United Kingdom proposal for the inclusion of Eyedrops of cocaine and mercury chloride was rejected.

Introduction to Schedule III

The CHAIRMAN said it had been suggested that Schedule III should be preceded by a short introduction. He accordingly asked for proposals which could be used as a basis for drafting.

Mrs. VASILEVA (Union of Soviet Socialist Republics) said it was not sufficient merely to give the names of the various preparations in Schedule III, formulae, should also be given. A Sub-Committee should therefore be appointed to decide what formulae should be included.

Dr. EDDY (United States of America) said he agreed with the USSR representative. The general definitions of the preparations in Schedule III, given by WHO, could perhaps be used as an introduction.

Mr. HAMMOND (Canada) suggested that a Sub-Committee be appointed to consider the question of the introduction to Schedule III and to draw up a list of preparations.

It was so agreed.

Mr. NAKAJIMA (Japan) said that at the previous meeting the Committee had approved a report on the criteria adopted for placing a substance in one schedule or another (E/CONF.34/C.3/L.4). What relationship would there be between those criteria and the proposed introduction to Schedule III?

The CHAIRMAN said that the criteria referred to were designed merely as a guide for the Conference. The preamble to Schedule III would be more precise and would indicate what was included in the Schedule; it would replace the three definitions now appearing at the head of Schedule III in document E/CN.7/AC.3/9/Add.1.

Mr. NAKAJIMA (Japan) said that the paragraph headed " Schedule III " in document E/CONF.34/C.3/L.4, should not be used as an introduction to Schedule III, unless its omission of specific quantities was remedied.

The CHAIRMAN said that the Committee would study the question of specific quantities.

The meeting rose at 4.25 p.m.

TENTH MEETING

Wednesday, 15 February 1961, at 11.15 a.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1, E/CONF.34/C.3/L.4) (*continued*)

Schedule IV (resumed from the seventh meeting)

The CHAIRMAN said that, at the close of their earlier discussion, it had been agreed to retain provisionally, under the heading " Drugs obtained from the cannabis plant ", only " cannabis and cannabis resin " and to delete the rest of the sentence. He asked whether the Committee now endorsed that decision.

Mr. RAJ (India) said that, of the three products of the cannabis plant, only cannabis resin was sufficiently dangerous to be included in the same category with diacetylmorphine. Only cannabis resin, therefore, should be included in Schedule IV. The other drugs obtained from the cannabis plant were already included in Schedule I and that provided sufficient protection. Cannabis resin, moreover, had already been defined separately.

Dr. EDDY (United States of America) said that since the prohibition of the substances included in Schedule IV would be in the nature of a recommendation only, and since cannabis, as well as cannabis resin, presented problems in some parts of the world, a recommendation to prohibit one of these drugs should be accompanied by a recommendation to prohibit the other, especially as it was generally conceded that the use of either of them in medicine was obsolete.

The CHAIRMAN said that he fully realized that India had special problems, due to the fact that the cannabis plant grew wild there. Prohibition of substances in Schedule IV was, however, the subject of a recommendation only, so that if a country was reluctant to enforce prohibition, it was not compelled to do so.

Mr. RAJ (India) said he realized that prohibition was only recommended. It might also be true that the use of cannabis in medicine was obsolete, but there were some drugs which were obsolete in medical practice but were still dangerous. The dangers of cannabis resin were certainly comparable with those of desormorphine and ketobemidone, but that was not the case with the other drugs obtained from the cannabis plant, which India would subject to the same degree of control as the other substances included in Schedule I. In his opinion, a recommendation of total prohibition should apply only to cannabis resin and not to cannabis.

The CHAIRMAN put to the vote the question whether cannabis and cannabis resin, or cannabis resin alone, should be retained in Schedule IV.

It was decided by 11 votes to 1, with 1 abstention, that both substances should be retained in Schedule IV.

The CHAIRMAN said that, unless any member wished to propose additional substances, he would propose the inclusion in Schedule IV, under the second heading, of desomorphine, without further details, and heroin, followed by the word " diacetylmorphine " in brackets, and, under the third heading, of ketobemidone. The last sentence, concerning the salts of all the drugs listed in Schedule IV, would also be retained.

It was so agreed.

Schedule IV, as thus amended, was approved.

Addition to the preamble

The CHAIRMAN said that the Sub-Committee had drafted two paragraphs to be added to the preamble as part of the Committee's report, directly after the general statement in document E/CONF.34/C.3/L.4. The paragraphs read:

" International non-proprietary names and chemical systematic names are used to describe substances included in Schedules I and II, according to the system of the International Union of Pure and Applied Chemistry. The Technical Committee is of the opinion that non-proprietary names should be mandatory for international trade."

" However, reference to other names and chemical designations is necessary, particularly at administrative level. It is therefore recommended that the Secretary-General continues to publish the " Multilingual List of Narcotic Drugs under International Control " (E/CN.7/341), which should be used in conjunction with the schedules. To maintain its undoubted value, the multilingual list should be revised regularly ".

Dr. EDDY (United States of America) said he thought that it should be made clear that the use of other names along with the non-proprietary names was not excluded.

Dr. GOLDBERG (Sweden) said he agreed with that view.

Mr. JOACHIMOGLU (Drug Supervisory Body) suggested the addition of a sentence reading: " The parallel use of trade names was not to be excluded."

Dr. EDDY (United States of America) said he could support that suggestion, but would prefer to say " other names " rather than " trade names ".

Mr. KELLETT (United Kingdom) suggested that " the use of other names in addition " would be better than " the parallel use of other names ".

Dr. EDDY (United States of America) asked that the word " international " should also be inserted, since it was international non-proprietary names that the Committee had in mind; there were other non-proprietary names.

The CHAIRMAN said that the last sentence of the first paragraph of the text, as amended, would now read: " The Technical Committee is of the opinion that international non-proprietary names should be mandatory for international trade. This does not preclude the use of other names in addition ". The beginning of the first paragraph and the whole of the second paragraph would remain unchanged.

It was so agreed.

Definitions

Cannabis Plant

The CHAIRMAN invited the Committee to consider the main body of the Sub-Committee's report, which was the definitions. A more elaborate definition of cannabis plant had been prepared, mainly for the guidance of the Drafting Committee, and read:

" Cultivation of the cannabis plant is not prohibited in the Single Draft Convention when grown for fibre or seed.

" The type of control imposed on the opium poppy does not apply to cannabis plants when grown for fibre or seed.

" The cannabis plant is monotypic but not type specific. It grows wild in many countries.

" A definition should exclude varieties of *cannabis sativa L.* which do not contain narcotic substances and are grown solely for industrial purposes.

" A variety may, when grown for fibre or seed, occasionally produce some resin.

" If the definition included a reference to " yielding resin with narcotic properties " or similar phraseology, the criterion as to whether a plant came within the terms of the Convention would depend upon a specific chemical test.

" Since the cultivation of the cannabis plant for industrial purposes is not to be controlled, it would be superfluous to adopt a restrictive definition.

" From a purely taxonomy point of view a definition such as ' Cannabis plant means any plant of the genus cannabis ' is an appropriate definition.

" Taking the foregoing aspects into consideration, it is recommended that the following definition be adopted:

" ' Cannabis plant means any plant of the genus cannabis '."

Mr. KELLETT (United Kingdom) said, first, that " variety " was a genetic division and that it was not genetics which determined whether a plant produced resin or not; it was a matter of environment, climate and cultivation. He therefore suggested that the word " varieties " or " variety " in the seventh and ninth lines should be replaced by the word " crops " or " crop ". Secondly, it would be better to delete the word " chemical " in the twelfth line, since the presence of narcotic drugs was determined not by a chemical but by a physiological test, which was a much more complicated affair. Thirdly, the words " which this Committee is unable to suggest " could accordingly be added at the end of the sentence.

It was so agreed.

Dr. GOLDBERG (Sweden) suggested that the fourth paragraph, beginning with the words " A definition ", should be deleted, since it seemed unnecessary to restate what was already stated elsewhere in the Convention.

It was so agreed.

Mr. ISMAIL (United Arab Republic) suggested that it would be safer if the word " many " in the sixth line were replaced by the word " some ".

It was so agreed.

The recommended definition, as thus amended, was approved.

Cannabis.

The CHAIRMAN said that the recommended definition, which combined the two definitions proposed in article 1 of the third draft, read:

" Cannabis means the leaves and flowering or fruiting tops of the cannabis plant (excluding the seeds when not accompanied by other parts of the tops) from which resin has not been extracted, by whatever name they may be designated in commerce ".

Mr. RAJ (India) asked that the leaves of the cannabis plant should be omitted from the definition. They were of little importance, since cannabis resin was produced only by the tops of cultivated plants, the leaves of which had been removed and the male and female plants separated. In the wild state there was no separation and consequently no resin was produced. It would be very hard to control the use of wild cannabis leaves.

Mr. KELLETT (United Kingdom) remarked that cannabis consisting of the tops and small leaves about two inches long was found in commerce and used in the manufacture of narcotic substances.

Mr. RAJ (India) replied that the growers stripped off as many leaves as possible, as indeed it was to their advantage to do, because they obtained better resin if the leaves were removed.

Mr. VERTES (Hungary) asked whether the leaves alone could be described as cannabis; if so the word " and " should be replaced by the word " or " in the first line of the definition.

It was so agreed.

Dr. EDDY (United States of America) suggested that the words " in commerce " at the end of the paragraph should be deleted, since cannabis even in the wild state raised a problem in some countries.

It was so agreed.

The CHAIRMAN put to the vote the definition as amended, on the understanding that the word " leaves " was to be retained.

The definition, as thus amended, was approved by 11 votes to 1, with 4 abstentions.

Cannabis resin

The CHAIRMAN said that the recommended definition read:

" Cannabis resin means the separated resin, whether crude or purified, obtained from the cannabis plant."

Mr. ISMAIL (United Arab Republic) suggested that the word " separated " be replaced by the word " isolated ".

Mr. ILLESCAS (Mexico) said that he would prefer the word " extracted ".

Mr. RAJ (India) said that to him " separated " suggested a physical act, whereas " isolated " suggested a more advanced stage; it would therefore be better not to change the wording.

Mr. KELLETT (United Kingdom) said he agreed with the Indian representative.

Mr. KAYMAKCALAN (Turkey) suggested that " obtained " might be an improvement.

Mr. HAMMOND (Canada) said he did not think it necessary to use any adjective at all to quality " resin ".

The CHAIRMAN put the recommended definition to the vote.

The recommended definition was approved.

Coca bush

The CHAIRMAN said the recommended definition of coca bush read:

" Coca bush means any species of the genus Erythroxylon whose leaf contains cocaine or any other ecgonine alkaloids."

The recommended definition was approved.

Coca leaf

The CHAIRMAN said the recommended definition of coca leaf read:

" Coca leaf means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed."

The recommended definition was approved.

Crude cocaine

The CHAIRMAN said that the recommended definition of crude cocaine read:

" Crude cocaine means any extract of coca leaf which can be used for the manufacture of cocaine."

The recommended definition was approved.

Medicinal opium

The CHAIRMAN said the recommended definition of medicinal opium read:

" Medicinal opium means opium which has undergone the processes necessary to adapt it for medicinal use."

Mr. RAJ (India) said that the definition would be clearer if the words " whether in powder form or granulated or otherwise or mixed with neutral materials ", which appeared in article 1 (*r*) of the third draft, were retained. In India, the medicinal opium given to the sick was not pure opium but opium mixed with various excipients. The addition of those words would make it possible to distinguish more clearly between raw opium and medicinal opium.

The CHAIRMAN said that, personally, he thought that the description " opium which has undergone the processes necessary to adapt it for medicinal use " covered all eventualities.

Dr. EDDY (United States of America) said he agreed. He favoured the recommended definition which made it clear that opium ceased to be raw opium and became medicinal opium when it had undergone the processes necessary to adapt it for medicinal use.

Mr. JOACHIMOGLU (Drug Supervisory Body) said that the definition would be clearer if the reference in article 1 (*r*) of the third draft, to national pharmacopeias, where the products were exactly defined, were retained.

Mr. RAJ (India) said he had merely wanted to make the wording more precise, but would not press his suggestion if the Committee did not share his view.

Mrs. VASILEVA (Union of Soviet Socialist Republics) asked what was the exact meaning of the words " or otherwise " in the definition in article 1 (*r*) of the third draft.

The CHAIRMAN replied that those words were ntended to make the definition all-embracing.

Mr. KELLETT (United Kingdom) said he wished to revert to a point which had been raised earlier in connexion with tinctures of opium. Since tinctures and extracts, unlike medicinal opium, contained only a weak dose of opium, he assumed that the definition could not apply to them.

The CHAIRMAN said he could not agree. The definition mentioned the processes necessary to adapt it for medicinal use without saying what those processes were, so tinctures were included.

Mr. RAJ (India) said that that was precisely the kind of uncertainty that his proposal had been designed to prevent. In view of the definition of the term " preparation " in article 1 (*w*) of the third draft, tinctures were, in his opinion, covered by the recommended definition.

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) pointed out that tinctures could be made from raw opium or from medicinal opium. If the definition were simple it would include tinctures, but that would not necessarily be the case if the definition were complicated.

Mr. ISMAIL (United Arab Republic) said that he had been in favour of retaining the definition in article 1 (*r*) of the third draft, but after listening to the United States representative, he supported the new and

shorter definition now recommended. If opium was adapted to medicinal use, it must obviously meet the requirements of the pharmacopoeias.

The recommended definition was approved by 13 votes to 1, with 2 abstentions.

Mr. VERTES (Hungary) said that he had abstained from voting because he thought that the definition could give rise to confusion; in most national pharmacopeias the term " medicinal opium " was reserved for substances in powder or granulated form, containing about 10 per cent of opium.

Opium poppy

Opium

The recommended definitions were approved.

Synthetic drugs

Dr. GOLDBERG (Sweden) asked that it should be made clear that the Committee recommended the definition only if it were thought necessary or desirable to mention synthetic drugs in the Convention.

It was so agreed.

The recommended definition was approved.

The meeting rose at 12.55 p.m.

ELEVENTH MEETING

Wednesday, 15 February 1961, at 3.35 p.m.

Chairman: Dr. JOHNSON (Australia)

Examination of the contents of the Schedules contained in the Third Draft (E/CN.7/AC.3/9/Add.1, E/CONF.34/C.3/L.1 to 4) (*continued*)

Addition to the preamble

The CHAIRMAN said that Dr. Halbac, the WHO representative, had suggested that the beginning of the first paragraph of the addition to the preamble which the Committee had approved at its morning meeting, and which read: " International non-proprietary names and chemical systematic names are used to describe substances included in Schedules I and II; " might be more accurately worded to read: " Common names or international non-proprietary names where available, as well as chemical systematic names are used to . . .". If there were no objection, he would take it that that was agreed.

It was so agreed.

Preamble to Schedule III

The CHAIRMAN said that that concluded the Committee's discussion on the definitions and brought them to what had proved to be one of the most difficult parts of their work, the drafting of a satisfactory preamble to Schedule III. The Sub-Committee had now produced a text, the first three paragraphs of which read:

" The following preparations intended for legitimate medical use shall be included in this Schedule:

" 1. Preparations of: acetyldihydrocodeine; codeine; dihydrocodeine; ethylmorphine; norcodeine; pholcodine and dextropropoxyphene, as listed in Schedule II, subject to the following conditions:

" (*a*) compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health;

" (*b*) the quantity should not be more than 100 milligrammes per unit in solid dose preparations (pills, tablets etc.) and that the concentration should not be more than 2.5 per cent in liquid or bulk powder preparations, or 100 milligrammes per maximum single dose in liquid preparations.

" 2. Preparations of cocaine containing not more than 0.1 per cent of cocaine and preparations of opium or morphine containing not more than 0.2 per cent of morphine and compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

" 3. Diphenoxylate preparations containing not more than 2.5 milligrammes diphenoxylate and not less than 25 micrograms atropine sulphate per unit in solid dose preparations."

He understood that propoxyphene was more accurately termed dextropropoxyphene. He invited the Committee to consider the text paragraph by paragraph.

Paragraph 1

Mr. KAYMAKCALAN (Turkey) said that, in order to prevent abuse, Schedule III should be kept as short as possible; he therefore opposed the addition of new substances.

The dose of 100 milligrammes mentioned in subparagraph (*b*), was very heavy for codeine and norcodeine; indeed, it exceeded the normal therapeutic dose. Furthermore, the wording " in a yield which would constitute a risk to public health ", at the end of subparagraph (*a*) and at the end of paragraph 2, was not sufficiently clear; it should be either clarified or omitted altogether.

Mr. RAJ (India) said he agreed with the Turkish representative. In India the normal therapeutic dose for preparations containing codeine was far less than 100 milligrammes. The dose in a codeine tablet, for example, was only 7 milligrammes.

The CHAIRMAN said that the Sub-Committee which had drafted the preamble had not been unaware that 100 milligrammes was a large dose. As WHO documents showed, however, countries held widely different views

on that point. In the absence of a more or less agreed view, it had been thought preferable to retain the figure of 100 milligrammes. In any case, it was for the Technical Committee to decide whether a reduction in the dose was needed.

Dr. EDDY (United States of America) said that every country was at liberty to prescribe a figure of less than 100 milligrammes for its own purposes. The main consideration was that international trade should be left as free as was compatible with public safety. That was why the Sub-Committee had set the figure at 100 milligrammes.

Mr. HOLZ (Venezuela) said he agreed with the Turkish and Indian representatives regarding the doses mentioned in Schedule III. If the Committee approved the figures in paragraph 1, codeine and similar narcotic drugs would be virtually free from control altogether, for preparations rarely contained such large doses. The dose figure should be reduced.

Dr. GOLDBERG (Sweden) pointed out that the maximum dose in the pharmacopoeias was 100 milligrammes. A dose had to be found which would apply to all preparations listed in Schedule III, for some of which the dose was 80 milligrammes. It was clearly a difficult task. The figures were not intended as a recommendation to any country to change its regulations; on the other hand, if the Committee specified a lower figure, several countries would be obliged to amend their laws.

The CHAIRMAN pointed out that the dose of 100 milligrammes per unit was a ceiling figure.

Dr. GOLDBERG (Sweden) requested that a summary of the discussion should be given in the preamble to the Committee's report to the Conference, as well as in the official record of the meeting.

Dr. EDDY (United States of America) pointed out that the Committee was merely indicating a limit within which the substances concerned were exempt from control. Those doses had been in force since 1931 and had never led to abuse. Preparations containing much smaller doses had, on the other hand, been abused.

The CHAIRMAN put to the vote sub-paragraph (*b*), embodying a mention of 100 milligrammes as a ceiling but not as a recommendation for therapeutic purposes.

Sub-paragraph (b) was approved by 11 votes to 5, with 1 abstention.

Paragraph 1, as thus amended, was approved.

Paragraph 2

Mr. ISMAIL (United Arab Republic) suggested that the word " itself " be inserted after the words " 0.1 per cent of cocaine ", and the words " calculated as anhydrous morphine " after the words " 0.2 per cent of morphine ".

Mr. ILLESCAS (Mexico said that he would prefer to see the percentages specified for cocaine and morphine applied to alkaloid bases.

Mr. KELLETT (United Kingdom) suggested that the words to be inserted should be " calculated as cocaine base " and " calculated as anhydrous morphine base ".

It was so agreed.

Paragraph 2, as thus amended, was approved.

Paragraph 3

Paragraph 3 was approved.

Mr. NAKAJIMA (Japan) said that the texts which had just been adopted were acceptable to him because they took account of Japan's earlier comments. He suggested, however, that the words " shall be included in this Schedule " should be deleted from the end of the introductory sentence because the paragraphs which followed were not a mere introduction, but categorical descriptions of preparations to be exempted from control.

Dr. EDDY (United States of America) supported the Japanese representative's suggestion.

It was so agreed.

Note regarding preparations marked with an asterisk

The CHAIRMAN said that the Sub-Committee recommended that a note should be added at the end of Schedule III reading: " Preparations marked with an asterisk, while largely superseded by more modern and efficacious products, are listed because they are still in use in certain countries ".

Mr. KELLETT (United Kindgom) said that the Committee had decided to include in Schedule III several preparations which were still on the market, although other more efficacious products which could replace them had since been discovered. For the sake of consistency, therefore, it should, he proposed, reconsider the case of Linimentum Opii, which appeared in the British Pharmacopoeia 1949 and not merely in the 1914 Pharmacopoeia, as wrongly stated in document E/CN.7/AC.3/9/Add.1, and was in fact in the same position as those which the Committee had already decided to include in Schedule III.

Mr. HOLZ (Venezuela) said that such a preparation would not be acceptable in his country where the health regulations laid down that only products of therapeutic value could be approved. The endorsement by an important international body of ineffective and obsolete preparations, such as the one in question, would therefore create difficulties for the strict system of control that Venezuela had instituted, not only for narcotic drugs but for pharmaceutical products in general. If that or any obsolete formula were approved by the Technical Committee, he reserved the right to raise the question in the plenary conference.

Mr. ISMAIL (United Arab Republic), supporting the United Kingdom representative's proposal, said that if it were decided to include Linimentum Opii in Schedule III, it would only be logical to include also other liniments of opium such as Linimentum Opii

Ammoniatum, also mentioned on page 13 of document E/CN.7/AC.3/9/Add.1, containing, as it did, liniment of belladonna which had a definite therapeutic value.

Mr. KAYMAKCALAN (Turkey) said that any preparation which was ineffective should be omitted since, so far as the patient was concerned, it was just a waste of time and money. Any preparation which was not genuinely useful should be removed from Schedule III, regardless of its commercial value.

Mr. RAJ (India) said he agreed with the representatives of Venezuela and Turkey that all obsolete preparations should be deleted from Schedule III. No purpose would therefore be served by adding the proposed note at the end of Schedule III.

Dr. EDDY (United States of America) said he supported the United Kingdom representative's proposal. The Committee was not required to pass judgment on the therapeutic value of preparations. Where a preparation was on the market, it was for the Committee to decide whether or not it should be exempted from control.

Mr. HOLZ (Venezuela) repeated that Linimentum Opii should be deleted because it was useless; opium alkaloids were not readily absorbed by the skin.

Mr. VAN NIEUWENBORG (Congo (Leopoldville)) said he shared the view of the United States representative. He asked whether the proposed note at the end of Schedule III would apply to the corn-cure preparation based on tincture of cannabis which was sold in Switzerland and the Congo.

The CHAIRMAN said that there was no question of including in Schedule III preparations based on extracts and tinctures of cannabis; that could not be considered except on the recommendation of a committee of experts.

He put to the vote the United Kingdom proposal for the inclusion of Linimentum Opii in Schedule III.

The United Kingdom proposal was rejected by 8 votes to 4, with 5 abstentions.

Mr. ISMAIL (United Arab Republic) said he withdrew his suggestion regarding other liniments of opium which was now pointless in view of the rejection of the United Kingdom representative's proposal.

The CHAIRMAN invited the Committee to consider the preparation listed in the British Pharmaceutical Codex 1959 under the name " Eyedrops of cocaine and mercury chloride ", of which the United Kingdom representative, at the Committee's ninth meeting, had given the formula and proposed the inclusion in Schedule III. Mercury chloride was an old established antiseptic, which was effective against a great many bacteria, while cocaine was present as an analgesic.

Mr. RAJ (India) asked whether the Committee ought not to hear the opinion of the WHO representative, before deciding on the inclusion of a new preparation in Schedule III.

The CHAIRMAN said it was the Committee's responsibility under its terms of reference, to retain, add, delete, or revise entries in the Schedules. There were enough specialists on the Committee to warrant its taking a decision as to whether or not a particular preparation should be included in Schedule III.

Dr. GOLDBERG (Sweden) said that in Sweden more modern preparations were used, in which cocaine was replaced by a local analgesic and mercury chloride by a more efficacious antiseptic. Those preparations were exempt from control, since they were not harmful.

Mr. RAJ (India) urged that the Committee should none the less consult the WHO representative.

The CHAIRMAN said that the preparation should not be considered solely from the standpoint of its therapeutic value; there were undoubtedly more modern and efficacious preparations in existence. Dr. Halbach, the WHO representative, had been present at the Committee's ninth meeting when the United Kingdom representative had put forward his proposal.

He put to the vote the United Kingdom proposal for the inclusion of Eyedrops of cocaine and mercury chloride in Schedule III.

The United Kingdom proposal was rejected by 6 votes to 3 with 8 abstentions.

Mr. NAKAJIMA (Japan) said that he had voted for the proposal because intervention by international narcotics control authorities could not be considered appropriate if certain preparations were used in certain countries without giving rise to abuse, and the drug involved could not be recovered by readily applicable means or in a yield which would constitute a risk to public health. It was primarily for the countries concerned to judge their therapeutic value and to decide whether they should subject such preparations to control.

The CHAIRMAN pointed out that any member who was dissatisfied with a decision taken by the Committee was entitled to raise the question in the plenary conference. He asked whether the Committee wished to retain the note regarding preparations marked with an asterisk.

The note regarding preparations marked with an asterisk was deleted.

Paragraph 4

The CHAIRMAN said that the last paragraph, number 4, which would follow the list of precautions in Schedule III, read:

" Preparations conforming to any of the formulae listed above in this Schedule and mixtures of these preparations with any material which contain no substances subject to control."

He suggested that it be given the title " Compounds and dilutions of listed formulae " and that the words

" no substances subject to control " be replaced by the words " no drug within the definition of this Convention ".

It was so agreed.

Paragraph 4, as thus amended, was approved.

The meeting rose at 5.15 p.m.

TWELFTH MEETING

Friday, 17 February 1961, at 3.10 p.m.

Chairman: Dr. JOHNSON (Australia)

Adoption of the Draft Report (E/CONF.34/C.3/L.5-10)

The CHAIRMAN invited the Committee to consider the draft report section by section; it was made up of the six documents E/CONF.34/C.3/L.5 to L.10.

Introduction (E/CONF.34/C.3/L.8)

After some discussion, the CHAIRMAN suggested that under the heading " Schedule II ", the word " propoxyphene " be replaced by the word " dextropropoxyphene "; that under the heading " Schedule III ", the word " only " in the first line be deleted; that under the heading " Schedule IV ", the words " and/or " be added at the end of paragraph (*a*) of the English text; and that under the heading " Nomenclature ", the last two sentences be replaced by the one sentence: " It is therefore recommended that the 'Multilingual List of Narcotic Drugs under International Control' (E/CN.7/341) should be used in conjunction with the Schedules, and the frequency of its revision should be such as to maintain its undoubted value ".

It was so agreed.

The Introduction, as thus amended, was adopted.

Schedule I (E/CONF.34/C.3/L.5)

The CHAIRMAN pointed out that in the final text of the report the numbers preceding the names of the drugs listed would be omitted. After some discussion he suggested that the term " 3-benzylmorphine " be added in brackets after the word " Benzylmorphine "; that the term " Coca Leaves " in the English text be replaced by " Coca Leaf "; that the clause ", when such material is made available to the trade " be added at the end of the definition of concentrate of poppy straw; that the footnote on page 1 be replaced by the sentence " Poppy straw, when such poppy straw has entered international trade in the conditions specified by the Convention, should be subject to the provisions of Schedule I "; that the word " Morphine-N-Methobromide " be replaced by the word " Morphine-Methobromide ", that in the chemical formula of Morphine, the figure 6 be deleted; that after the word " Normorphine ", the word " dimethylmorphine " be added in brackets; that in the chemical formula of Phenazocine the figures 2,7 be replaced by the figures 6,7; that new substances be distinguished from the rest by means of a conventional sign; and that in paragraphs (*a*) and (*b*) at the end of the schedule, the word " substances " be replaced by the word " drugs ".

It was so agreed.

Mr. RAJ (India) said he reserved his delegation's position with regard to the words " and other substances " which followed the words " Cannadis, Cannadis Resin " in the Schedule.

Schedule I, as thus amended, was adpoted.

Schedule II (E/CONF.34/C.3/L.6)

The CHAIRMAN said that the name " Propoxyphene " would be replaced by " Dextropropoxyphene ".

After some discussion, *Schedule II, as thus amended, was adopted.*

Schedule III (E/CONF.34/C.3/L.9)

After some discussion, the CHAIRMAN suggested that the word " and " be inserted at the end of sub-paragraph I (*a*); that sub-paragraph I (*b*) be replaced by the sentence; " The quantity should not be more than 100 mg. per unit in dose preparations and the concentration should be not more than 2.5 per cent in undivided preparations. "; and that the title of paragraph 7 be deleted.

It was so agreed.

Mr. RAJ (India), Mr. ILLESCAS (Mexico), Mr. KAYMAKCALAN (Turkey) and Mr. HOLZ (Venezuela) said they reserved the position of their delegations with regard to the dosage of the preparations included in Schedule III.

Schedule III, as thus amended, was adopted.

Schedule IV (E/CONF.34/C.3/L.7)

Mr. RAJ (India) said he reserved his delegation's right to raise in the plenary conference the question of the inclusion of cannabis in the Schedule.

Schedule IV was adopted.

Definitions (E/CONF.34/C.3/L.10)

Cannabis plant

After some discussion, the CHAIRMAN suggested that the recommended definition be replaced by a simpler version reading;

" The Cannabis plant is monotypic but not type specific. It growns wild in some countries.

" Its cultivation when grown for the production of fibre or seed is not prohibited in the third draft of the Single Convention.

" A variety of the plant grown for fibre or seed occasionally produces resin.

" However, if the definition included a reference to 'yielding resin with narcotic properties', or similar phraseology, the decision as to whether a plant came within the terms of the Convention would depend upon a specific test which this Committee is unable to suggest.

" Hence a definition from a purely taxonomy point of view would seem appropriate. The following is recommended:

" *Cannabis plant means any plant of the genus Cannabis.* "

It was so agreed.

The CHAIRMAN suggested that, in the definition of Coca bush, the word " ecgogine " be inserted before the word " cocaine "; that in the definition of Opium poppy the words " opium alkaloids " be replaced by the words " the manufacture of opium alkaloids "; and that in the definition of Synthetic drug the words " a drug " be replaced by the words " a manufactured drug ".

It was so agreed.

Mr. RAJ (India) said he reserved his delegation's position with regard to Cannabis leaves, referred to in the definition of Cannabis.

The definitions, as thus amended, were adopted.

The draft report, as a whole, was adopted.

After the customary exchange of courtesies, the CHAIRMAN declared the Committee's session closed.

The meeting rose at 6.50 p.m.

---

4. Ad Hoc Committee on Articles 30 and 40-43 of the Third Draft

FIRST MEETING

Monday, 6 February 1961, at 3.10 p.m.

Acting Chairman: Mr. YATES, Executive Secretary of the Conference

Chairman: Mr. BANERJI (India)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. KOCH (Denmark) proposed Mr. Banerji (India).

Dr. MABILEAU (France) seconded and Mr. ADJEPONG (Ghana), Mr. CURRAN (Canada), Mr. BITTENCOURT (Brazil), Mr. de BAGGIO (United States of America), Mr. GREEN (United Kingdom), Mr. ASLAM (Pakistan) and Mr. KRUYSSE (Netherlands) supported the proposal.

Mr. Banerji (India) was elected Chairman by acclamation and took the Chair.

Consideration of articles 30 and 40-43 of the Third Draft (E/CN.7/AC.3/9 and Add.1)

The CHAIRMAN said that the Committee's instructions were to consider five articles, numbers 30 and 40 to 43, and report to the plenary conference. He invited the Committee to begin by considering article 30.

Article 30 (Medical and scientific purposes)

Mr. KRUYSSE (Netherlands) said the expression " medical purposes " could be interpreted in different ways. In the Netherlands it was used in a very narrow sense and applied only to the administration of medicines to the sick, but in other countries it might mean the manufacture of medicines. It would be hepful if the meaning of the term were defined precisely.

Mr. CURRAN (Canada) said the wording seemed to him sufficiently explicit. On the other hand, an article that defined the scope of the Convention ought to be placed much earlier in the text.

Mr. JOHNSON (Liberia) said that the expression " medical purposes " could have either a very narrow or a very broad meaning. In his country, for example, the faculties of medicine did not include the veterinary schools. The meaning of the expression should therefore be clarified.

Mr. DANNER (Federal Republic of Germany) said that article 2, paragraph 4, referred to " drugs which are commonly used in industry for other than medical or scientific purposes ". The provisions of article 30 ought therefore to be brought into line with those of article 2, paragraph 4.

Mr. LANDE, Deputy-Executive Secretary, explained that the expression " medical and scientific purposes " was taken from article 5 of the 1925 Convention. It had never been questioned that the expression covered veterinary and dental medicine. It would hardly be possible in a treaty to use wording which coincided with the legal terminology of every single country.

Miss HARELI (Israel) said that Israel law specifically provided for the control of narcotic drugs used in veterinary and dental medicine. There ought to be no doubt over the meaning of the expression " medical and scientific purposes ".

Mr. KOCH (Denmark) said that it was clear from the provisions of the Convention that article 30 permitted the conversion of one substance into another. In view of the definition of the word " manufacture " given in article 1 (*q*), one drug could always be converted into another for medical and scientific purposes.

If article 30 was acceptable in principle, it should have a more prominent place in the Convention; also the words " medical and scientific purposes " should be clearly defined, and consideration should be given to the possibility of combining it with article 2, paragraph 4.

Dr. MABILEAU (France) said he found the wording of article 30 satisfactory on the whole.

Mr. KALINKIN (Union of Soviet Socialist Republics) said the expression " medical and scientific purposes " already occurred in the 1925 and 1931 Conventions. Article 30 was acceptable in its present form but should be placed at the beginning of the Convention.

Mr. BITTENCOURT (Brazil) said that both under Brazilian law and under the 1925 and 1931 Conventions, veterinary and dental medicine were covered by the expression " medical and scientific purposes ". He agreed that it would be better to move the article to a different place in the text.

Mr. RAJ (India) said he thought the article was clear enough. The definition of the word " manufacture " in article 1 (*q*) should be extended to cover tablets and ampoules. He intended to submit an amendment on the point to the Drafting Committee.

The CHAIRMAN said it was clear that the Committee accepted article 30 in principle. He suggested that the question of its wording and its place in the Convention should be left to the Drafting Committee.

It was so agreed.

Article 40 (Manufacture)

The CHAIRMAN invited the Committee to consider article 40.

Mr. de BAGGIO (United States of America) said he wished to repeat the amendment proposed by the United States delegation in the plenary meeting that the words in paragraph 2 (*c*), " in each of their establishments," be deleted.

Mr. GREEN (United Kingdom) said that he too wished to repeat the amendment suggested by his delegation in the plenary meeting, that in paragraph 1 the more usual system of manufacture under licence be mentioned before the State enterprise system.

The definition of the word " manufacture " in article 1 (*q*) should be modified so as to cover preparations.

Mr. KRUYSSE (Netherlands) said he agreed with the United States representative that the words " in each of their establishments " should be deleted. The stipulation regarding preparations in the same paragraph would mean that not only the definition of the word " manufacture " in article 1 (*q*) but also that of the word " drug " in article 1 (*k*) would have to be modified.

He would prefer that in paragraph 1 private enterprise were mentioned first, before State enterprises. Too much stress should not be laid on State enterprises, as they were not by any means usual in many countries.

Mr. CURRAN (Canada) said he agreed with that view. Furthermore, the wording of paragraph 2 (*a*) was not satisfactory; it should be made both simpler and more precise. As the aim of the Convention was to control all stages of manufacture, obviously control would also apply to the persons engaged in manufacture. The clause " this requirement shall not apply to preparations ", in paragraph 2 (*c*), should also be amended.

Mr. KOCH (Denmark) said he agreed with the United Kingdom representative that in paragraph 1 it would be more logical to mention first the system of manufacture under licence.

The word " control " in paragraph 2 (*a*) was admittedly vague, but it might be difficult to make the provision more specific. He would have no objection to the deletion of the phrase " in each of their establishments " in paragraph 2 (*c*).

With regard to paragraph 3, he wondered what criteria would be applied in deciding whether raw materials were within the scope of the Convention. The paragraph needed to be brought into line with article 2, paragraph 3. That could be done by deleting the words " of quantities of raw materials, in so far as they are within the scope of this Convention and ". The schedules listed not only substances possessing addiction-producing properties, but also substances which were readily transformable. Other substances did not require to be controlled.

Mr. CHA (China) asked whether the term preparations " in paragraph 2 (*c*) referred only to those in Schedule III or whether it should be understood in the wider sense of the definition in article 1 (*w*). The point should be clarified.

Mr. LANDE, Deputy Executive Secretary, with reference to paragraph 2 (*c*), pointed out that there were two types of licence: one for individuals or corporate bodies engaged in manufacture, the other for establishments and premises. Under the 1925 Convention, the latter type of licence was required only for basic drugs and not for preparations; under the Third Draft it was required for preparations as well. If the present system were retained, paragraph 2 (*b*) would have to be revised so as to exclude preparations. In reply to the Chinese representative, he said that the term " preparations " should be understood as defined in article 1.

Mr. KRUYSSE (Netherlands) said that, despite the explanation by the Secretariat, the position regarding preparations was still no clearer; he reserved the right to return to the point later. Periodical permits for preparations were not necessary; paragraph 2 (*c*) was linked to the estimates system, which applied to narcotic drugs and not to preparations. There was therefore no need to alter that paragraph.

With regard to paragraph 3, he had expressed the view at that morning's plenary meeting, in connexion with article 33, paragraph 1 (*b*), that control of stocks should be the responsibility of the Government; that

was provided for in paragraph 3, of which he fully approved. The phrase " in so far as they are within the scope of this Convention " related, in his opinion, to the narcotic drugs listed in the schedules and not to other raw materials.

Dr. MABILEAU (France) said he saw no objection to paragraph 1 being amended as proposed by the United Kingdom representative.

He agreed with the Danish representative that the wording of paragraph 2 (*a*) was not very satisfactory but that it was difficult to be more precise; the Drafting Committee might be asked to try to improve it.

The words " in each of their establishments " in paragraph 2 (*c*) could be deleted, since countries could continue to apply stricter rules if they so desired. The expression " periodical permits " in the same paragraph should be retained, as it was the foundation both of the paragraph and of the entire system under which permits were granted to manufacturers periodically on the basis of annual returns by Governments. French law on the matter was even stricter.

With regard to paragraph 4, he wondered whether the words " specifications " and " standards " were not to some extent a duplication. At the thirteenth session of the Commission on Narcotic Drugs, Mr. Halbach had stated that WHO's recommendations with regard to the purity, effect and safety of drugs would be given the name of " specifications " (E/CN.7/SR.405). Why then had it been considered necessary to add the word " standards "? It might be useful, however, to insert, after the word " specifications ", the words " in particular those prepared for the International Pharmacopoeia ". That would facilitate harmonization of national pharmacopoeias, and that in turn would facilitate international trade in the commonest drugs.

Mr. de BAGGIO (United States of America) said he interpreted paragraph 2 (*c*) as meaning that the Parties would assign quotas to manufacturers for each category of narcotic drugs, but not for preparations, since the latter were made from drugs which were already subject to quotas.

Mr. LANDE, Deputy Executive Secretary, said that that interpretation was correct.

Mr. CURRAN (Canada) said he could agree to the deletion of the phrase " in each of their establishments ", but felt that the proviso concerning preparations should be retained.

Mr. RAJ (India) said he agreed with the United Kingdom representative that paragraph 1 should also apply to preparations; the Drafting Committee should amend either that paragraph or the definition of " manufacture " in article 1 (*q*).

Some delegations considered that paragraph 1 gave preference to State enterprises over private enterprises. But Recommendation No. IV of the 1931 Conference had given preference to State enterprises and the 1931 Convention had been accepted by almost all countries. His delegation considered that narcotic drugs were controlled more effectively if their production, import, export and distribution were in the hands of the State. Whatever the situation in the various countries, the Single Convention should mention first what appeared to be the best solution. His delegation therefore approved the present text of paragraph 1. It also approved article 41, paragraph 1 (*a*) and article 42, paragraph 3 (*a*).

He agreed that the wording of paragraph 2 (*a*) should be improved; it could reproduce article 6 (*b*) of the 1925 Convention, which was clearer.

He supported the United States proposal for the deletion of the words " in each of their establishments " in paragraph 2 (*c*), The proviso at the end of that paragraph should be retained, however; a periodical permit was not necessary for preparations since it would have already been obtained for the narcotic drugs from which the preparations were made.

The word " accumulation " in paragraph 3 should be defined; a uniform criterion was needed. There was no objection to the paragraph applying both to State enterprises and to private enterprises, but, for obvious reasons, the standards applied would have to be different in the two cases.

Mr. GREEN (United Kingdom) said that the Secretariat had drawn attention to an interesting point with regard to paragraph 2 (*b*), namely, that under article 6 of the 1925 Convention premises in which preparations were manufactured did not have to be licensed, whereas under the third draft they would have to be licensed. As he had already mentioned at the seventh plenary meeting, the United Kingdom could now accept the provision if the term " licence " were interpreted broadly. The question, however, deserved closer study, and he reserved the right to revert to it.

With regard to the Indian representative's comments on paragraph 1, he felt that there was room for both kinds of enterprise, but since private enterprise was the more usual, it should be mentioned first.

Mr. DANNER (Federal Republic of Germany), with regard to the French representative's comments on paragraph 4, said that the International Pharmacopoeia laid down standards as well as specifications. Moreover, it could and did happen that WHO set no specifications for a substance, but did lay down standards. Both terms should therefore be retained.

Mr. KOCH (Denmark) said that, in his opinion, the proviso at the end of paragraph 2 (*c*) was redundant, since the definition of the term " manufacture " in article 1 (*q*) did not include preparations.

The phrase in paragraph 3, " of quantities of raw materials, in so far as they are within the scope of this Convention ", was interpreted by the Netherlands representative as relating solely to the substances mentioned in the schedules, but that did not seem to be implicit in the text, and he would welcome a clarification from the Secretariat.

Mr. LANDE, Deputy Executive Secretary, said that the intention of paragraph 3 was to reproduce the gist of article 16, paragraph 2, of the 1931 Convention. The usual raw materials, namely, opium and coca leaf,

had at that time been dangerous in themselves, and it had seemed advisable to limit the quantities of those substances held by manufacturers. But, as the raw materials in present-day use included such harmless products as coal tar, it would hardly be feasible to limit the quantity of such substances in a manufacturer's possession. The phrase " in so far as they are within the scope of this Convention " had been introduced in order to limit the scope of the clause to dangerous substances, but it was apparently not sufficiently clear.

Paragraph 1, like all the other provisions of the Convention applicable to narcotic drugs, also applied to preparations, as was made clear in article 2, paragraph 1 (*c*). If a provision applied to narcotic drugs but not to preparations, the draft would state as much.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said he shared the Indian representative's view that State enterprises should be given preference in the manufacture of narcotic drugs; the Convention should not merely record an existing state of affairs, but recommend the best course to follow. Paragraph 1 was therefore satisfactory as it stood.

He could not support the United States representative's proposal for the deletion of the words " in each of their establishments " in paragraph 2 (*c*). Under paragraph 2, the licence which manufacturers were required to obtain for the manufacture of narcotic drugs was valid for certain premises only. Sub-paragraph (*c*) was the logical corollary of sub-paragraph (*b*) and would be weakened by the deletion of those words.

Mr. DANNER (Federal Republic of Germany) said that the concluding proviso of sub-paragraph 2 (*c*) should be retained. Pharmacists could not possibly know in advance what amounts of preparations they would require; their needs depended entirely on the prescriptions they had to make up.

Mr. GREEN (United Kingdom), with reference to the Ukrainian representative's remarks, said that, subject to adequate control, manufacture under licence by private enterprise would seem to be just as satisfactory as a system of State enterprise. He saw no reason why State enterprises should be given preference.

Dr. MABILEAU (France) said that, in the light of the explanation by the representative of the Federal Republic of Germany, it might be desirable to retain both the word " standards " and the word " specifications " in paragraph 4; he still felt, however, that the specifications of the International Pharmacopoeia should be mentioned.

The CHAIRMAN invited the Committee to vote on the various amendments that had been proposed or suggested.

Paragraph 1

The CHAIRMAN put to the vote the United Kingdom amendment that manufacture under licence should be mentioned before manufacture by State enterprise.

The United Kingdom amendment was adopted by 13 votes to 4, with 3 abstentions.

Paragraph 2 (a)

The CHAIRMAN suggested that the Drafting Committee be asked to amend the paragraph in the light of the discussions.

It was so agreed.

Paragraph 2 (b)

Mr. GREEN (Unided Kingdom) said that he had already reserved his delegation's right to revert to paragraph 2 (*b*).

Paragraph 2 (c)

The CHAIRMAN put to the vote the United States amendment for the deletion of the words " in each of their establishments ".

The United States amendment was adpoted by 15 votes to 3, with 5 abstentions.

Paragraph 3

The CHAIRMAN suggested that the Drafting Committee be asked to define the expression " raw materials " and to propose a solution to the problems caused by the use of the word " accumulation ".

It was so agreed.

Paragraph 4

The CHAIRMAN invited the Committee to vote on the French amendment for the insertion, after the word " specifications ", of the words " in particular, those prepared for the International Pharmacopoeia ".

Mr. DANNER (Federal Republic of Germany) said that he considered the amendment useful.

Mr. KRUYSSE (Netherlands) said the amendment was unnecessary because the reference to the World Health Organization covered all its activities. The reference to " article 4 (*e*) " should read " article 4, paragraph 2 (*e*) ".

Mr. GREEN (United Kingdom) suggested that the Committee take no decision until it had consulted the representative of WHO, who was not present.

It was so agreed.

Mr. BITTENCOURT (Brazil) said that he had abstained from the vote on the amendment to paragraph 1 because, althought private enterprise was the system in force in his country, he did not consider that the fact of mentioning State enterprises first indicated a preference. He had abstained from the vote on paragraph 2 (*c*) because, although in Brazil every establishment had to be licensed, he would not insist that his own country's practice need be adopted by others.

Article 41 (Trade and Distribution)

The CHAIRMAN invited the Committee to consider article 41.

Mr. ADJEPONG (Ghana) said that the provisions relating to counterfoil books in paragraph 2 (*b*) and a double red band in paragraph 5 should take the form

of a recommendation. As the different systems in force had proved effective, it was better to leave such matters to the discretion of the Parties.

Dr. KENNEDY (New Zealand) said he agreed that the provision regarding counterfoil books ought not to be mandatory; the precautions taken in New Zealand to control prescriptions were satisfactory, and there would be no point in changing them. Nor did he believe that the double red band was of any value for the international control of narcotic drugs, particularly in the case of physicians, who probably would not even have occasion to see it. He would, however, have no objection to a recommendation on the subject.

Although he was in general agreement with the provisions of paragraph 3, he felt that there might be some difficulty in applying them immediately; he wondered was meant by " posted bills ".

Mr. LANDE, Deputy Executive Secretary, took the chair.

Mr. GREEN (United Kingdom) said that, in paragraph 1 (*a*), trade and distribution under licence should be mentioned before trade or distribution by State enterprise, as had been agreed in the case of article 40, paragraph 1. Moreover, some provision as to " possession ", on the lines of article 7 of the 1925 Convention, which seemed to have been omitted, should be included.

It would be better simply to delete paragraph 5, which referred to the double red band. It would be positively dangerous to rely on such a method of identifying narcotic drugs, particularly in the legitimate trade, where the required import licence would lose its value.

Dr. MABILEAU (France) said that, in his opinion, the provision in paragraph 2 (*b*) concerning counterfoil books should take the form of a recommendation; that could be done by inserting after the word " issued " the word " preferably ". As the WHO representative had pointed out in the plenary meeting, a WHO survey in 1950 had seemed to justify the use of that system, but others might prove equally satisfactory.

International non-proprietary names should also be the subject of a recommendation, and a very firm recommendation, that whenever possible the international non-proprietary name should be indicated. Since, however, the Commission had no means of establishing and proposing such names, the part of the provision relating to the Commission should be deleted. On the other hand, in order to make clearer the final choice in that respect, the words " and approved by it " should be added after " communicated by the World Health Organization ".

Although his delegation had long felt that the provision concerning the double red band should be mandatory, it was prepared to be accommodating and would agree that it should be the subject merely of a recommendation.

Mr. CURRAN (Canada) said he supported the view that the provision concerning international non-proprietary names should take the form of a recommendation; it would, however, be difficult to distinguish between very firm and less firm recommendations.

Paragraph 6 was entirely acceptable to him if its provisions applied to preparations sold freely over the counter, because the customer was entitled to know precisely what product he was buying. On the other hand, it could not be applied to narcotic drugs sold only on prescription, because the physician might not want his patient to know the ingredients of the product being administerd. He reserved the right to revert to paragraph 6 later.

The CHAIRMAN, speaking as Deputy Executive Secretary, said that paragraph 6 was intended to reproduce the provisions of article 19 of the 1931 Convention, which required that the label should state the name and percentage of the drugs offered for sale. Paragraph 6 was less strict than article 19 because it did not apply to preparations exempted from control.

Mr. DANNER (Federal Republic of Germany) said he agreed that the provisions concerning counterfoil books and the double red band should take the form of a recommendation.

Mr. ASLAM (Pakistan) said he could agree that counterfoil books should be the subject of a recommendation, but the indication of international non-proprietary names should be mandatory. With regard to the double red band, since it would not appear on the exterior wrapping, customs officials would not see it until the package had been opened. In the circumstances, it would be better to delete paragraph 5 altogether.

Mr. KRUYSSE (Netherlands) said he was prepared to agreed that the provisions concerning counterfoil books, international non-proprietary names and the double red band should take the form of recommendations. He also agreed that it was not the Commission's function to communicate international non-proprietary names. Lastly, as the United Kingdom representative had pointed out, some provision as to " possession " should be included in paragraph 1 (*a*).

The meeting rose at 5.35 p.m.

SECOND MEETING

Tuesday, 7 February 1961, at 3.5 p.m.

Chairman: Mr. BANERJI (India)

Consideration of Articles 30 and 40 to 43 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.4/L.1) (*continued*)

Article 40 (Manufacture)
(*resumed from the previous meeting*)

Paragraph 4

The CHAIRMAN said that at the previous meeting it had been agreed to consult the WHO representative before taking a decision on the French amendment

for the insertion, after the word " specifications ", of the words " in particular, those prepared for the International Pharmacopoeia ". The WHO representative was now present.

Dr. HALBACH (World Health Organization) said that, so far as WHO was concerned, the paragraph was not essential because nost of the countries which might become Parties to the Convention were members of WHO and, as such, could be expected to accept its recommendations. During the discussion of the question by the Commission on Narcotic Drugs, there had been considerable support for the retention of the word " standards ", because, although it was to some extent implicit in the term " specifications ", it was more appropriate in connection with international non-proprietary names. There was no basic objection to the French amendment, but the International Pharmacopoeia was in effect a recommendation by WHO and would have to be considered by the Parties to the Convention if they were also members of WHO. Moreover, with regard to the International Pharmacopoeia, WHO could not be asked to prepare specifications for each of the substances covered by the Convention, since most of them had no practical importance.

Dr. MABILEAU (France) said it appeared to him to be neither necessary nor desirable to retain the paragraph, since it merely complicated the Convention. It was to be noted, however, that the WHO representative did not object to the addition of a reference to the International Pharmacopoeia if the paragraph were retained. WHO could not, of course, prepare specifications for every drug that appeared because there were a great many of them and they were not necessarily all of international therapeutic interest. He would bow to the wishes of the majority, but if the paragraph were retained, it would be advisable to mention the International Pharmacopoeia in order to promote uniformity among national pharmacopoeias.

Mr. GREEN (United Kingdom) said he had no objection to the French proposal but intended submitting some slight drafting amendments to the Drafting Committee.

The CHAIRMAN put to the vote the French representative's proposal that paragraph 4 be deleted.

The French proposal was adopted by 9 votes to 6, with 7 abstentions.

Article 41 (Trade and Distribution)
(*resumed from the previous meeting*)

Mr. de BAGGIO (United States) said that the provisions in paragraph 3 relating to international non-proprietary names would be equally effective, and easier to apply, if they were couched simply in the form of a recommendation. If a manufacturer had to change a large number of labels just in order to add those names, that would take a lot of time.

Paragraph 5 should either be deleted or, failing that, should also be couched in the form of a recommendation.

In addition, the exact scope of paragraphs 6 and 7 would have to be defined so as to make clear whether they applied only to previously prepared and packaged drugs or also to preparations made up by pharmacists on medical prescription. In the case of paragraph 7 in particular, his delegation would prefer that it should specify that countries might, if they wished, apply measures stricter than those laid down in the Convention.

Mr. RAJ (India) said that his observations at the previous meeting on the wording of article 40, paragraph 2 (*a*), applied equally to article 41, sub-paragraph 1 (*b*) (i); his delegation had submitted amendments to both articles (E/CONF.34/C.4/L.1).

Again, although his delegation had voted for a similar clause in paragraph 2 (*c*) of article 40, it believed that in sub-paragraph 1 (*b*) (ii) of article 41, the clause exempting preparations should be deleted, since the provisions as a whole applied to control of persons and establishments under licence; it had proposed an amendment accordingly.

His delegation's amendment to paragraph 7 (E/CONF.34/C.4.L/.1) was intended to take account of the observations of WHO on page 142 of document E/CONF.34/1, and of the view expressed by a number of delegations that in order to prevent abuse some control should be provided for the retail trade in and distribution of drugs listed in Schedule II. The amendment ought, however, to read: " The provisions other than in paragraphs 1 (*a*), 1 (*b*), 3 and 6 may ".

The provision concerning counterfoil books ought to be retained because it would be useful for preventing illicit traffic in drugs; he would not, however, object to its forming the subject of a recommendation. On the other hand, the provision concerning the international non-proprietary name ought to be mandatory, at least for drugs entering international trade. In view of the increasing complexity of the chemical names of drugs, particulary synthetic drugs, that provision would make it possible to identify the product more easily. The work of national drug control authorities would also be made easier. Similarly, the provision regarding the double red band ought also to remain compulsory, at least for international trade, in order to simplify the work of customs officials.

Mr. KADOTA (Japan) said he could not accept the amendment that the provisions of paragraph 2 (*b*) should be mandatory; the choice of control arrangements should be left to the individual countries. If it were felt necessary to include any such provisions at all, they ought to take the form of a recommendation.

Paragraph 5 ought to refer only to drugs entering international trade or used in first-aid kits carried by aircraft engaged in international traffic.

Mr. JOHNSON (Liberia) said it would be preferable if the provisions concerning counterfoil books and the double red band were in the form of recommendations. He fully supported the provision concerning the international non-proprietary name, which had distinct advantages.

Miss HARELI (Israel) said she supported the Indian amendment to paragraph 7; it expressed the intention of the provision exactly.

As she, too, felt that the choice of control arrangements should be left to Governments, she would be able to accept paragraph 2 (*b*) only if it were in the form of a recommendation.

Her delegation had reserved its position when paragraph 5 had been considered in the plenary meeting; it could accept the provision, but would not object if it were in the form of a recommendation.

Mr. KOCH (Denmark) said that the first sentence of paragraph 2 (*b*) should be amplified so as to make it clear that the provision applied not only to persons but also to animals, and that the supply of drugs to industry would not require medical prescriptions. The Danish Government was strongly opposed to the provision on counterfoil books being mandatory but would agree to a recommendation.

The same applied to paragraph 3, which, moreover, should be re-drafted. In its present form it appeared to refer both to international trade and to domestic wholesale and retail trade, as well as to drugs sold freely by pharmacists. It was open to question whether such broad provisions, particularly with regard to domestic trade, were really necessary.

Again, paragraph 5, regarding the double red band, could be justified for international trade but not for domestic trade. It would be better if those two paragraphs were deleted.

The fact, to which the Secretariat had draw attention, that paragraph 6 corresponded to article 19 of the 1931 Convention, was no proof that it should be retained, for the situation had changed considerably in thirty years.

Dr. MABILEAU (France) said he was willing to agree that the three most contentious provisions of the article should be the subject of recommendations.

In reply to the Danish representative, he said that when a pharmaceutical product was manufactured, there was no way of knowing how it would eventually be used. It might therefore be useful, even for domestic purposes, to know the drug content of the various ingredients of a product. As the Canadian representative had rightly said at the previous meeting, it was difficult to distinguish between firm and less firm recommendations; a recommendation could, however, always be couched in such a way as to give it greater or less weight.

As regards paragraph 6, its meaning should be made clearer, and it should specify that it would not apply to drugs prepared on prescription. Lastly, the expression " therapeutic functions " at the end of paragraph 2 (*b*) was too restrictive; it would be better to say " professional functions ".

Mr. CURRAN (Canada) said he supported the Indian amendments to article 41, but must make reservations on two drafting points. First, it was regrettable that the term " licence " had not been defined, because practice varied from country to country; it should, therefore, be given a wide meaning. Secondly, the expression " all persons engaged in trade ... etc." could be applied to too large a number of persons and should therefore be changed.

The provision in the first sentence of paragraph 2 (*b*) should remain mandatory, even if the remainder of the paragraph took the form of a recommendation. The Drafting Committee should also define the expression " medical prescriptions " so as to cover veterinary and dental medicine as well.

With regard to paragraph 7, the Indian amendment was acceptable, but the real issue was perphaps simply a question of wording. In order to avoid possible objections from manufacturers, it would be better to say that those provisions did not necessarily apply to retail trade or retail distribution.

Mr. KRUYSSE (Netherlands) said that the Indian amendment to sub-paragraph 1 (*b*) (i) came close to article 6, paragraph (*b*), of the 1925 Convention, and since the provisions of that article had proved satisfactory, there was no reason to depart from them; he therefore supported the Indian amendment.

He also supported the Indian amendments to sub-paragraph 1 (b) (ii) and paragraph 7, because they corresponded to Netherlands practice.

With regard to the Canadian representative's remarks concerning the first sentence of paragraph 2 (*b*), he pointed out that article 9 of the 1925 Convention contained an escape clause for urgent cases; that should be included in the new Convention.

Mr. GREEN (United Kingdom), with regard to the Indian amendment to sub-paragraph 1 (*b*) (i), said he saw no reason for changing the text of the 1925 Convention.

The amendment to sub-paragraph 1 (*b*) (ii) was not justified because, so far as was known, the present situation had not led to any abuse; the same applied to paragraph 7.

With regard to paragraph 3, he wondered whether it was really necessary that the international non-proprietary name should be shown on prescriptions for the drugs listed in Schedules I and II.

He agreed with the Canadian representative that the first sentence of paragraph 2 (*b*) should remain mandatory.

Mr. RAJ (India) said he thought that the international non-proprietary name should not appear on medicines dispensed on prescription for sick persons, but only on the intact packaging of products sold by the manufacturers of such drugs or by pharmacists in the retail trade.

Mr. BITTENCOURT (Brazil) said he would not oppose the provisions regarding counterfoil books being couched in the form of a recommendation if the majority so wished.

With regard to paragraph 3, he was in favour of the deletion of the final words " or, failing such communica-

tion by the Commission ", as had been proposed by the French representative the previous day.

He could accept the provision requiring the double red band, and the Indian amendment to sub-paragraph 1 (*b*) (i).

Dr. MABILEAU (France) said that the wording of the Indian amendment to sub-paragraph 1 (*b*) (i) was somewhat dangerous because it was too restrictive. In the legal view " persons engaged in the manufacture of drugs " were the proprietors and directors of the firms, but control should be exercised over all persons working in the manufacturing establishments.

The amendment to sub-paragraph 1 (*b*) (ii) seemed unnecessary because it was a question of the meaning of the word " licence ". All pharmacists, to be able to exercise their profession, had to hold a general licence covering the preparation of medicines containing drugs.

Mrs. YAKOVLEVA (USSR) said that the system of official forms for prescriptions had proved very satisfactory in her country, but she was quite ready to support a recommendation. She was also in favour of the provision in paragraph 3 regarding labels and the international non-proprietary name, which was very appropriate in view of the large variety of drugs in use. On the other hand, paragraph 5, regarding the double red band, served no purpose and should be deleted.

The wording of the Indian amendment to sub-paragraph 1 (*b*) (i) needed to be a little more precise. She interpreted that provision in the same way as the French representative, as meaning that control would be exercised over the proprietors and directors of establishments holding a licence rather than over all persons engaged in the trade in or the distribution of drugs.

The Indian amendment to sub-paragraph 1 (*b*) (ii) was unsound and she preferred the original text.

The CHAIRMAN invited the Committee to vote on the various amendments that had been proposed or suggested.

Paragraph 1 (a)

The CHAIRMAN said that, at the previous meeting, it had been decided to amend paragraph 1 of article 40 so that the State enterprise or the system of State enterprises would be mentioned second instead of first. He suggested that the same course be taken with paragraph 1 (*a*) of article 41.

It was so agreed.

Mr. GREEN (United Kingdom) mentioned that at the previous meeting he had proposed the reintroduction of the term " possession " which appeared in article 7 of the 1925 Convention.

Sub-paragraph 1 (b) (i)

The CHAIRMAN put to the vote the Indian amendment to sub-paragraph 1 (*b*) (i).

The Indian amendment was adopted by 17 votes to 3, with 3 abstentions.

Sub-paragraph 1 (b) (ii)

The CHAIRMAN put to the vote the Indian amendment to sub-paragraph 1 (b) (ii).

The Indian amendment was rejected by 13 votes to 6, with 3 abstentions.

Paragraph 2 (b)

The CHAIRMAN suggested that the first sentence of paragraph 2 (*b*) be retained on the understanding that a special clause for urgent cases would be inserted.

It was so agreed.

Mr. KRUYSSE (Netherlands) suggested that the first sentence of article 9 of the 1925 Convention, which provided for the supply to the public by chemists, at their own discretion for immediate use in urgent cases, of three specific preparations, should be included in the draft Single Convention. The designation of those preparations should be reviewed by the Technical Committee in the light of the inclusion of other preparations in more recent Conventions.

Mr. LANDE, Deputy Executive Secretary, said that in his view the task suggested by the Netherlands representative for the Technical Committee hardly fell within the Committee's terms of reference.

The Chairman suggested that the question be left to the Drafting Committee and the plenary meeting.

It was so agreed.

The CHAIRMAN put to the vote the amendment first suggested by the Ghanaian representative at the previous meeting, that the provision concerning counterfoil books should take the form of a recommendation.

The Ghanaian amendment was adopted by 22 votes to none, with 1 abstention.

The CHAIRMAN put to the vote the French amendment for the deletion of the final phrase " or, failing such communication, by the Commission ".

The French amendment was adopted by 20 votes to none, with 3 abstentions.

Paragraph 3

The CHAIRMAN said that, in addition to his written amendment, the Indian representative had proposed that the use of international non-proprietary names should be mandatory for drugs entering international trade but merely recommended for other drugs.

Mr. KOCH (Denmark) said that the proposal seemed more relevant to article 42, which dealt with international trade.

Mr RAJ (India) said he was agreed to his proposal being taken up in connexion with article 42.

The CHAIRMAN put to the vote the French amendment that the provision for the use of international non-proprietary names should take the form of a recommendation.

The French amendment was adopted by 17 votes to 1, with 3 abstentions.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that at the previous meeting the New Zealand representative had asked the meaning of the term " posted bills " in the English text of article 41, paragraph 3. So far as he was aware, the question had not yet been answered.

Mr. LANDE, Deputy Executive Secretary, said he was informed that the term " posted bills " was rarely used in the sense in which it was used in the draft Convention.

Dr. MABILEAU (France) said that the corresponding French term " *affiches* ", was equally inappropriate.

The CHAIRMAN suggested that the Drafting Committee be asked to improve the wording.

It was so agreed.

Paragraph 4

Mr. KRUYSSE (Netherlands) suggested that, since the use of international non-proprietary names was merely to be recommended, paragraph 4 was no longer necessary.

The CHAIRMAN said that the object of the paragraph was to indicate that the manufacturer was permitted, if he so wished, to use his own trade mark in addition to the non-proprietary name. The recommendation in paragraph 3 did not necessarily exclude the provision set out in paragraph 4. The question might be left to the Drafting Committee.

It was so agreed.

Paragraph 5

The CHAIRMAN put to the vote the United Kingdom amendment for the deletion of paragraph 5.

The United Kingdom amendment was adopted by 11 votes to 3, with 8 abstentions.

The CHAIRMAN pointed out that the decision just taken did not exclude the possibility that a provision requiring the use of the double red band for international trade might be included in article 42.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) asked that, despite the decision just taken, the various views expressed concerning the paragraph should mentioned in the *ad hoc* Committee's report.

It was so agreed.

Paragraph 6

The CHAIRMAN said that it had been suggested by the Canadian representative that the scope of the paragraph should be limited to drugs sold in retail trade, excluding those sold on medical prescription. He asked the Committee to vote on the principle embodied in paragraph 6, on the understanding that the kinds of drug in question would be more clearly specified.

The principle embodied in paragraph 6 was approved by 21 votes to none, with 1 abstention.

Mr. ADJEPONG (Ghana) said that he would like some immediate clarification as to what kind of drugs paragraph 6 was intended to cover.

Dr. MABILEAU (France) suggested that the words " excluding prescription drugs ", meaning drugs made up in a pharmacy on a doctor's prescription as opposed to " patent medicines ", should be inserted in paragraph 6.

The CHAIRMAN said the intention was that, if a physician prescribed a well-known medicine the formula would appear on the label, but that if he prescribed a special preparation, the formula would appear only on the prescription.

Mr. ADJEPONG (Ghana) said that he accepted that interpretation.

Mr. KOCH (Denmark) said that in his opinion the paragraph was intended to cover drugs sold in the manufacturer's original wrapping to the exclusion of drugs prepared in laboratories or pharmacies on prescription, whether the prescription listed the exact ingredients or gave the name of the drug according to the national pharmacopoeia.

He asked to what extent paragraph 6 covered the bulk sale of drugs by wholesalers, and whether in that event the drug content had to be indicated on the container.

The CHAIRMAN said that in the case of substances such as morphine, the wholesaler would indicate the drug content. In the case of retail sale by pharmacists, it was open to question whether, if a physician prescribed two tablets of a product sold in boxes or twenty, the contents of the two tablets should be indicated on the wrapping.

Dr. KENNEDY (New Zealand) said that no wholesaler would sell a product to a retailer without indicating the name of the product and its contents.

With regard to retail sale, no pharmacist would sell a product containing narcotic drugs without a medical prescription. However, the bottle or box given to the customer would ordinarily show only a number referring to the prescription.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that, in his opinion, if a wholesaler sold a product in barrels, the barrel should be labelled in the same way as the wrapping used for retail sales.

The CHAIRMAN said he agreed with that view. He suggested that the Drafting Committee be asked to find a wording which would indicate that paragraph 6 did not apply to individual prescriptions made out by physicians.

It was so agreed.

Paragraph 7

The CHAIRMAN put to the vote the Indian amendment (E/CONF.34/C.4/L.1), as orally revised earlier in the meeting, for the replacement of the words " The

provisions of paragraphs 1 to 5 shall" by the words "The provisions other than in paragraphs 1 (*a*), 1 (*b*), 3 and 6 may".

Mr. CHA (China) said the amendment was not very clear.

Mr. RAJ (India) said he agreed that the wording could be improved. Its purpose was to provide, as WHO had recommended, that the retail sale of narcotic drugs should also be subject to control.

The CHAIRMAN put to the vote the principle of the Indian amendment on the understanding that the wording might be reviewed later by the Drafting Committee.

The principle of the Indian amendment was approved by 10 votes to 5, with 7 abstentions.

The meeting rose at 5.20 p.m.

THIRD MEETING

Wednesday, 8 February 1961, at 3.5 p.m.

Chairman: Mr. BANERJI (India)

Consideration of Articles 30 and 40-43 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-2; E/CONF.34/C.4/L.1) (*continued*)

Article 41 (Trade and Distribution) (*continued*)

The CHAIRMAN asked whether members had any further comments to make on article 41, before turning to article 42.

Mr. CURRAN (Canada) said he thought that somewhere or other provision would have to be made for control of the exempted preparations in Schedule III, since articles 40 and 41 contained no provisions for that purpose.

Mr. LANDE, Deputy Executive Secretary, said that under the third draft, exempted preparations would not be subject to control. Whether that was really a practical problem he did not know, but it certainly looked like a gap in the control measures. That gap could be closed if exempted preparations in Schedule III were made subject to the same regime as drugs in Schedule II, though they need not be subject to the import certificate or export authorization system. That would then be the only difference between drugs in Schedule II and preparations in Schedule III. The exempted preparations in Schedule III would still be free from control at the retail level, as were drugs in Schedule II.

Mr. KRUYSSE (Netherlands) said that under article 27, paragraph 1 (*c*), Governments were required to furnish to the Board statistical returns in respect of exempted preparations. In order to be able to furnish such statistics, the Governments would have to ask the manufacturers for the information desired, and the furnishing of such information might be made a requirement for the obtaining of a licence. He asked whether adequate control over exempted preparations could not be exercised in that way.

Mr. LANDE, Deputy Executive Secretary, said that everything depended on the practice of Governments. It was doubtful whether, under the third draft, there would be a clear obligation to exercise the necessary rigid control over the manufacturers of exempted preparations.

The CHAIRMAN said that a manufacturer could make non-exempted preparations in Schedules I and II at the same time as exempted preparations in Schedule III. So far as the latter were concerned, articles 40 and 41 afforded no means of knowing what quantities of drugs were being used in their manufacture. There was quite obviously a gap at that point.

Mr. GREEN (United Kingdom) said it did seem that there was a gap that needed filling. The Committee might think over the matter carefully, and either take a decision at a later meeting or refer it to the plenary meeting.

Mr. CURRAN (Canada) said that the essential point was to prevent any possibility of leakages to the illicit traffic. He asked what was the Permanent Central Opium Board's opinion on the matter.

Mr. ATZENWILER (Permanent Central Opium Board) said that, while he had no instructions on the point from the Board or the Drug Supervisory Body, his personal view was that manufacturers of exempted preparations should be placed under control to ensure that the drugs they received really were used for making such preparations and were not diverted to other, perhaps illicit, uses.

Mr. RAJ (India) pointed out that, if the proviso at the end of paragraph 1 (*b*) (ii) were deleted, article I would automatically provide control.

Mr. ASLAM (Pakistan) suggested that the Committee set up a small sub-committee to draft a proposal for remedying the omission.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the question was a simple one and the Committee could consider it again at its next meeting, after it had had time to think it over.

Mr. KOCH (Denmark) said the defect could be easily remedied, either in article 41 by making the possession of narcotic drugs subject to licence, or by some amendment to article 40. If the Committee in its report stated that a clause to that effect was needed, the Drafting Committee would deal with the matter.

Mr. KRUYSSE (Netherlands) said that if, in the Committee's opinion, a supplementary provision was necessary to ensure adequate control over exempted preparations, that meant that there was a serious gap which must be filled before the Committee reported to the plenary Conference. According to PCOB's own evidence, the gap represented some 80 per cent of the

total production of morphine, which was converted into codeine in the form of an exempted preparation in very general use.

The CHAIRMAN suggested that the Committee postpone further consideration of the question until its next meeting and meanwhile start to discuss article 42.

It was so agreed.

Article 42 (International Trade)

The CHAIRMAN invited the Committee to consider article 42.

Dr. KENNEDY (New Zealand), said that since his country consisted of a group of islands, it was not directly concerned in provisions such as those in paragraphs 11, 12 and 13, relating to the control of narcotic drugs in transit by rail. Undoubtedly there were good grounds for such provisions, but the difficulties they might entail could be clearly seen by considering the problem of air transit, for example, the case of an aircraft bound for a foreign country calling at an airport in a third country for forty minutes or so. Great efforts were being made, both nationally and internationally, to simplify air transport, and it would be regrettable if, without any real need, additional complications were introduced. The same applied to transport by sea. The present situation did not seem to call for any special concern. Unless, therefore, the provisions he had mentioned related only to overland transport and unless that was clearly indicated, the New Zealand delegation would raise strong objection to them.

Mr. LANDE, Deputy Executive Secretary, said that the transit provisions in article 42 were essentially the same as those of chapter V of the 1925 Convention. The provisions relating to transit by air, however, were somewhat different.

Mr. de TAVEL (International Civil Aviation Organization) drawing attention to ICAO's observations on paragraph 14 (E/CONF.34/1), said the new provisions appeared to be considerably more stringent than those in the 1925 Convention. Article 15 of the 1925 Convention stated that if an aircraft landed in the territory of a country, its provisions should be applied so far as the circumstances permitted, and that stipulation was not limited to emergency landings, as in paragraph 14 of article 42 of the third draft. An aircraft was a very special means of transport, its main asset being speed. Aircraft normally stopped for half an hour or so in transit in foreign countries and usually remained outside the customs line but under the supervision of the customs authorities. Since 1944, ICAO had made special efforts to reduce delays and simplify documentation and procedure, as could be seen from annex 9, on the facilitation of international air transport, to the Convention on International Civil Aviation. Under existing international regulations, an aircraft could pass in direct transit through most international airports without having its cargo inspected by the customs before reaching its final destination. Annex 9, to which he had just referred, specified that aircraft and their loads might remain temporarily in direct transit without undergoing any customs examination except in special circumstances, and that States should not require any documents in respect thereof except in special circumstances. While the export authorization would duly accompany each shipment of narcotics, it would not be practical or necessary to require its being produced at each transit station. To draw attention to narcotic shipments in that way would be to invite diversion. In any case, the responsible authorities always had the right of inspection whenever there was any reason to suspect abuse.

ICAO feared that article 42, especially paragraph 11, could be misunderstood where aviation was concerned and might lead to unnecessary complications and delays. It earnestly hoped that the meaning of paragraph 11 would be clarified as regards consignments in transit by air. It also urged that, in view of the special conditions prevailing in international civil aviation, the provisions relating to transit should not be unnecessarily rigid. The necessary flexibility had existed under the 1925 Convention. It could be achieved also in the third draft by the addition to paragraph 14 of a clause similar to that in the 1925 Convention.

Mr. WARREN (Australia) said that the representatives of New Zealand and ICAO had expounded the problem very clearly. The only exception made in paragraph 14 to the provisions of paragraphs 11 to 13 was the case of an emergency landing, which was quite different from what the Australian delegation had in mind — the case, say, of an aircraft flying from Paris to New Caledonia which landed at an Australian airport to refuel, or the case of a British ship bound for New Zealand which put in at one or two Australian ports. Under article 42, the Australian authorities would be required to examine the documents and cargo of such an aircraft or ship, in order to ensure that it was not carrying narcotic drugs. But under Australian law they had no authority to do that; they could only examine cargoes consigned to Australia.

Those particular provisions would therefore confront his Government with a very real problem and Australia would find it impossible to apply them. It therefore unreservedly supported the New Zealand representative's suggestion that the clauses in question should contain a clear indication that they applied exclusively to land transport and not to sea or air transport.

Mr. LANDE, Deputy Executive Secretary, said he was not aware that any difficulties had arisen from the provisions of the 1925 Convention relating to transit in connexion with passage through territorial waters or calls at ports. The texts of the various drafts of the Single Convention relating to transit by air differed, a fact which indicated that their authors had found it difficult to reconcile the needs of control with the requirements of air transport.

Mr. von SCHENCK (Switzerland) said that in Switzerland the transit problem arose mainly in connexion with road and rail transport. There were several treaties on the subject, particularly with Germany, but they

gave the Government no means of control. The Convention should therefore contain a provision to remedy that situation.

The CHAIRMAN invited the Committee to consider the Indian amendment (E/CONF.34/C.4/L.1) to article 42.

Mr. RAJ (India) said that the Indian amendment to article 42 sought to extend the restriction placed on specified products under articles 32 and 37, to international trade in drugs as a whole. It was absolutely essential that only the Parties should be authorized to export and import drugs. The basic aim of control was to limit production to medical and scientific needs; if States were not Parties to the Convention, they would be free to import and export drugs without being subject to the control of estimates, stocks, etc., and the system of control established by the Convention might be bypassed, with consequent danger for humanity.

Mr. KRUYSSE (Netherlands) said the Indian amendment was dangerous. First, for reasons decided by the General Assembly, a number of States would be unable to become Parties to the Convention; but many countries already had trade relations with those States, and to prevent them from continuing to buy and sell drugs because those States were not Parties to the Convention would impede the development of international trade. Secondly, the Convention would enter into force as soon as it was ratified by twenty-five countries; those twenty-five countries would then have to break off trade relations with States which were not yet Parties to the Convention, thereby causing great confusion. Thirdly, if the Convention were adopted with the amendment but certain States had not approved the amendment, those States would not consider themselves bound by the amendment. Reservations by certain States should not compel other Parties to break off trade relations with them. Finally, in its application to third States, the provision was unacceptable. The Indian amendment would have the effect of encouraging the illicit traffic and the Netherlands could not support it.

Mr. GREEN (United Kingdom) said he thought that the Indian amendment was based on a mistaken interpretation. First, the substance of articles 32 and 37 was not comparable with the substance of the Indian amendment. Articles 32 and 37 concerned certain States that were recognized as exporters of opium and coca leaves, a fact which would undoubtedly induce such States to become Parties to the Convention; but there was no corresponding restrictive list of manufacturing countries. Secondly, the Indian representative seemed to fear that, if the Convention did not contain a provision of that kind, trade in narcotic drugs would be unregulated, since it would be free from the restrictions imposed by import and export authorizations. But, in practice, Governments would continue to observe the provisions of existing treaties if they had not ratified the new treaty. The Indian representative's fear was thus unjustified. His amendment could only cause confusion by continually altering the trade pattern, depending on whether States were, were not or became Parties to the Convention.

With regard to the transit question, the existing provisions seemed adequate. It would be better not to try to change the wording used in those provisions lest doubt should be cast on their accepted meaning.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the need to control the transport of narcotics by air was obvious. The problem was whether a distinction should be made between land, sea and air transport. It was of course a question of regular, not illicit, traffic. As matters stood, the suggestion made by the United Kingdom representative seemed the best, namely, to maintain the provisions at present in force and leave it to national authorities to apply them.

Mr. CURRAN (Canada) said that the Convention should not impose transit provisions which would impede air traffic. Normal stops, refuelling stops, forced landings, none of them presented any problem so long as there was no illicit traffic. There was no need to refer the question to any sub-Committee, because even if it provided a clearer text, it would still be impossible to cover all eventualities; all that was needed was common sense.

With regard to the Indian amendment, he would like to hear the Indian representative's reply to the objections raised by the United Kingdom and Netherlands representatives. Of course trade in drugs had to be controlled, but was that any reason for restricting it to a few manufacturing States ? Such restriction could have serious consequences for industry in certain countries. Control should serve a useful purpose; otherwise it was pointless.

Mr. KALINKIN (Union of Soviet Socialist Republics) said he took the same view of the Indian amendment as the United Kingdom and Netherlands representatives. Paragraph 1 of the article was also objectionable. The restriction on exports for which it provided raised a number of questions. Would the Convention apply to third States which were not Parties to it ? Would it apply to States which had not been invited to participate in the present Conference and could not become Parties to the Convention ? If the Parties could not export narcotic drugs to any State not Party to the Convention, that would mean, for example, that the USSR could not export to Mongolia. Under the 1931 Convention, any Party had the right to export narcotic drugs within the limits of the estimates published by the Drug Supervisory Body. The League of Nations had not laid down any discriminatory provision against accession; at that time, therefore, Mongolia would have been able to become a Party to the Convention. But two years ago, the USSR had asked the Secretary-General whether he had invited the Mongolian People's Republic to accede to the 1931 Convention; his reply had been in the negative. That was an extraordinary state of affairs. The Drug Supervisory Body set up by the 1931 Convention dealt with every State in the world, but now the view seemed to be that the 1931 Convention concerned only the States Members of the United Nations and the specialized agencies, of which the Mongolian People's Republic was not one. The question therefore was how far the Supervisory Body was competent to make estimates

for countries not Parties to the Convention. Perhaps that question could be examined in conjunction with article 20. Moreover, under the 1931 Convention the exports of a State Party to the Convention were permitted to exceed the estimate if they were for humanitarian purposes. The present draft did not even alter that exception, since what it aimed at was prohibition pure and simple of all exports to countries not Parties to the Convention. The provision was quite unacceptable, particularly since some States could not accede to the Convention. Paragraph 1 should therefore be amended either by the deletion of sub-paragraph (*b*) or by the addition of a provision that States not Parties to the Convention were not affected, or alternatively further consideration should be postponed until article 20 came up for discussion.

Dr. MABILEAU (France) said it should be remembered that the principal aims of the Convention were, first, to ensure that drugs were used only for medical and scientific purposes and secondly, that States were properly equipped to deal with the illicit traffic. The purpose of control was not to disrupt established patterns of international trade, since if conditions were normal it mattered little whether trade was between States Parties to the Convention or non-Parties. Perhaps, therefore, in laying down restrictions, care could be taken to preserve the international trade patterns established during the past five years, in the light of statistics furnished by the PCOB and the DSB.

Mr. KRUYSSE (Netherlands) said that paragraph 1 (*b*) should include a provision similar to article 13, paragraph 2, of the 1931 Convention. It was customary for a country to import more goods than it required, in order to be able to re-export some of them to a third country; and the Convention should allow for that possibility.

Moreover, paragraph 10 should be amended in accordance with the comments of the BENELUX countries on page 147 of document E/CONF.34/1. Actually, if paragraph 10 were taken literally, it could be argued that drugs could not be seized when crossing a frontier because they had already passed through the Customs. It would be better just to say that drugs would be seized if not accompanied by the necessary authorization.

Finally, the provision in article 18 of the 1925 Convention for trade with a country not a Party to the Convention should be retained; it was an excellent provision, which had very frequently been applied.

Mr. GREEN (United Kingdom) said that paragraph 3 (*a*) should be amended on the same lines as paragraph 1 of article 40 and paragraph 1 (*a*) of article 41. Also the wording of paragraph 4 (*a*) could be improved.

Mr. de BAGGIO (United States of America) said that he too had a number of changes of wording to suggest to the Drafting Committee.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) asked whether it was proposed to amend, along the same lines as paragraph 1 of article 40 and paragraph 1 (*a*) of article 41, every article that mentioned State enterprises. In the case of paragraph 3 (*a*), the State responsibility in the matter of the export and import of drugs had to be taken into account, and it would perhaps be better to leave that paragraph as it was.

Mr. GREEN (United Kingdom) said he thought the amendment he had suggested was justified because the licences system was the usual practice in most countries; State enterprises were less frequent. Article 42 was the last that would need that amendment.

The CHAIRMAN, speaking as the representative of India, said he could assure the Committee that the amendment submitted by his delegation to article 42 was certainly not intended to disturb normal channels of trade. It was merely a question of principle and logic, and had nothing to do with the fact that certain countries might not be able to become Parties to the Convention. He could not see how a country which provided for such strict national control could agree to export to another country which, not being a Party to the Convention, was not bound by the same obligations. It was essential that the Convention should be accepted by the greatest possible number of countries. On the other hand, in order to furnish the maximum safeguard, its provisions should cover the whole of the exports and imports, because even if a country acted in good faith, abuses were always possible. That, however, was only a short-term problem, which would be settled once the Convention had been signed by a large number of countries.

Mr. KOCH (Denmark) said that he was inclined to agree with the comments of the representatives of the United Kingdom and the Netherlands on the Indian amendment, since he wondered to what extent such an amendment was justified in view of the provisions of the Convention as a whole. In any event the Committee could postpone a decision on the matter until the Conference had voted in plenary meeting on article 48 and until it was known what countries would be invited to become Parties to the Convention. In the same way, it would be preferable to return to paragraph 1 (*b*) after discussing articles 28 and 29. As Mr. Kruysse had pointed out, that paragraph should allow for the possibility of a country importing in order to re-export to a third country. If drugs were re-exported to a country not Party to the Convention, the exporting country would not know what limits to fix for such exports, whereas the very purpose of the articles was to lay down obligations to be fulfilled by Parties in the matter of exports.

Paragraph 7 (*c*) should provide for the possibility of there being absolutely no export at all.

Paragraph 8 could perhaps provide also for the case of consigments addressed to a travel agency, a practice which had recently become quite common.

The problem mentioned by the representatives of Australia and New Zealand possibly arose from the

fact that the word "transit" implied not only movement across territory but also calls by ships at a port, just, for example, in order to refuel. It would clearly be difficult for the customs authorities to inspect a ship's cargo in such cases, but the problem was not a new one and arose in connexion with other products besides drugs.

Finally, with regard to article 42 *bis*, the import or export of ready-packed first-aid kits for lifeboats presented certain administrative problems for the Scandinavian countries, which would like to see the drugs carried in such kits intended for export, or used by ships flying the importing country's flag, exempted from the import certificate requirement. It might be possible to amend articles 41 or 42 along those lines or, failing that, to include in the Convention a general statement that Parties would give favourable consideration to any application for an import authorization for such articles.

Mr. GREEN (United Kingdom) said that it had been suggested that a decision on certain paragraphs whose fate was linked with the ultimate decision on other articles should be deferred. But if the Committee was to be of any assistance, it should make its views known to the Conference. Any necessary reservations could be recorded in the report.

The CHAIRMAN said he agreed with that view. The Committee was not taking a final decision and would merely be expressing its views to the Conference and the Drafting Committee in order to help them in their work.

Mr. CURRAN (Canada) said he thought that the Committee should take decisions, but that they should be postponed until the next meeting in order to enable delegations to vote with a full knowledge of the facts.

Dr. MABILEAU (France), supporting that proposal, said he would like to know, in connexion with paragraph 5, who was to draw up the form of import certificate, and how. There seemed no reason why both the Board and the Commission should be involved since that might lead to overlapping; in that case it would be better if the words "proposed by the Board and" were deleted. The word "substantially" should also be deleted, since the Parties would certainly find it advantageous to adopt a simple form of import certificate. Cases had occurred where the body responsible for examining certificates had had doubts as to their authenticity, and if there were only one form of certificate, that would provide a safeguard for international transactions.

He reserved the right to return to paragraph 10 later, since, as had already been pointed out, the problems arising out of international non-proprietary names and the double red band ought to be considered in the context of international trade.

The meeting rose at 5.25 p.m.

FOURTH MEETING

Thursday, 9 February 1961, at 10.50 a.m.

Chairman: Mr. BANERJI (India)

Consideration of Articles 30 and 40 to 43 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.4/L.1) (*continued*)

Article 41 (Trade and distribution) (*resumed from the previous meeting*)

The CHAIRMAN invited the Committee to resume its discussion of the question of the control of exempted preparations.

Mr. GREEN (United Kingdom) said it seemed to be generally agreed that the manufacture of preparations from drugs, at any rate at the wholesale level, should be controlled. He was not sure that it was necessary to take a decision regarding the method of control, but the Committee could agree on the question of principle.

Mr. CURRAN (Canada) said he doubted whether control should be limited to manufacture at the wholesale level; experience showed that preparations could be made at the retail level by a pharmacist, and it was important to prevent any leakages into the illicit traffic. Perhaps the principle of control over drugs used for the making of preparations could be accepted and questions of detail left to the Drafting Committee.

Dr. KENNEDY (New Zealand) said that instances of leakages at the retail level had occurred in his country and it had been found necessary, for example, to provide for direct physical supervision of the conversion of tincture of opium into liniment of opium by pharmacists. The Convention should require control rather than simply a licensing system.

Mr. RAJ (India) said he supported the view put forward by the United Kingdom and Canadian representatives. He would like to see preparations made subject to the same control as was provided for drugs under the present article.

Mr. CHA (China) said that strict control over preparations both at the wholesale and retail levels was highly desirable. He had no strong views as to whether control should be exercised through licensing or through some other system.

Mr. GREEN (United Kingdom) said he wished to to make clear that he had been speaking of control over the manufacture of preparations, whether at the retail or the wholesale level, and not over trade in and distribution of preparations; the Committee had already taken a decision on the latter question when it had rejected the Indian amendment to sub-paragraph 1 (*b*) (ii). His delegation thought it important that the distribution of preparations listed in schedule III should not be subject to the same control at the retail level as at the wholesale level.

Mr. CURRAN (Canada) said it was important that there should be some control over the use of drugs in the manufacture of preparations; whether there should be the same control over foreign trade in such preparations as was in force for drugs was a matter for each country to decide.

Dr. MABILEAU (France) said he supported the suggestion of the representative of the United Kingdom and Canada that there should be strict control over the manufacture of preparations. Any control measures must, however, take account of the particular type of preparation concerned.

The CHAIRMAN suggested that it be noted in the Committee's report that it was generally agreed that the Drafting Committee should be asked to draft provisions whereby exempted preparations would be controlled at the manufacturing and wholesale level, but not at the retail level or in international trade.

It was so agreed.

Article 42 (International Trade) (*resumed from the previous meeting*)

Paragraph 1 (continued)

The CHAIRMAN invited the Committee to resume its discussion of paragraph 1 of article 42.

Mr. KALINKIN (Union of Soviet Socialist Republics) said he had suggested, at the previous meeting, that either the provision contained in paragraph 1 (*b*) should be deleted or the paragraph should be re-worded so that countries that were not parties to the Convention were not affected.

Articles 40-42, dealing with the production of and trade in drugs, were primarily concerned with the technical aspects of control. In connexion with production, for example, there was no reference to production levels or to measures for ensuring that the limitations on manufacture mentioned in articles 28 and 29 were carried out. It seemed illogical that article 42 should contain a provision of that kind in respect of international trade, and his delegation therefore proposed that the article should deal only with the technical aspects of the matter and make no reference to the estimates for each country. Paragraph 1 (*b*) should be deleted and the remainder of the paragraph re-drafted as a simple sentence.

Alternatively, the Committee could suggest in its report that the problem be considered in the plenary meeting when article 29 was discussed, and also in the *ad hoc* Committee dealing with that article.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the USSR proposal would jeopardize the whole estimates system. Control over international trade was an integral part of the control machinery. If the estimates system were abandoned, paragraph 1 (*b*) would certainly have to be dropped but that would not be known until a decision had been taken on articles 28 and 29. The Committee had, however, decided at the previous meeting not to defer a decision on an article until other related articles had been discussed; if a subsequent decision on those related articles necessitated a change in the wording of an article already dealt with, that could be left to the Drafting Committee.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that he had not proposed the abolition of the estimates system, but was merely anxious to prevent that system from discriminating unfairly against certain countries, namely, countries which had not been invited to the Conference and were unlikely, in view of the proposed provisions of article 48, to be able to become Parties. He only wished to remove the paradox in the 1931 Convention, under which the supervisory body could draw up estimates for all countries, including the Mongolian People's Republic, the Korean Democratic People's Republic, and the Democratic Republic of Viet-Nam, none of which had been invited to become Parties to that Convention. Under the new Convention, as now drafted, the Soviet Union would be obliged to observe the estimates for the Mongolian People's Republic made by the Board, which could not know Mongolia's exact requirements of drugs; the Soviet Union might therefore be asked to act in a way contrary to the health interests of Mongolia. Not wishing to have to violate the Convention ,his country must oppose article 42, paragraph 1, as at present drafted.

Mr. KOCH (Denmark) said that, without expressing an opinion on the substantive questions raised by the USSR representative, he wished to support his proposal for reasons of drafting. Paragraph 1 referred to the obligations of Parties under the estimates system and would therefore be more appropriately placed in an earlier chapter. The two preceding articles dealt with administrative matters relating to the control system, and not with limitations on the quantities of drugs to be manufactured and distributed; in the same way, article 42 should not attempt to deal with the estimates system.

Mr. de BAGGIO (United States of America) said that, as a result of the discussion, he was now somewhat uncertain regarding the exact implications of article 42; he hoped that the Secretariat or the Chairman would clarify the question before the Committee was asked to vote.

Incidentally, in connexion with paragraph 11, the United States required an in-transit permit to be procured for any consignment of drugs carried by a ship or aircraft making a scheduled stop at a United States seaport or airport. Copies of import permits as well as of export permits were required, and he would like to see that requirement made universal in the present article.

Mr. BENYI (Hungary) said that no decision could be reached on paragraph 1 until the wording of articles 28, 29 and 40, which, in regard to substance, had priority over article 42, had been decided. He therefore supported the suggestion that a decision on the present paragraph be deferred.

Mr. KRUYSSE (Netherlands) said he agreed with the Soviet Union and Danish representatives that the questions of estimates should be dealt with in another part of the draft; the purpose of article 42 was to deal with administrative arrangements. It should not be made impossible to export drugs to a country temporarily in excess of the total of the estimates for that country; article 12, paragraph 2, of the 1931 Convention which dealt with that matter, should be retained in the new Convention. Furthermore, for the purpose of export to countries which were not Parties, it would be desirable to include in the Convention a provision similar to article 18 of the 1925 Convention concerning the application to trade with non-Parties of the provisions concerning control of international trade.

Mr. RAJ (India) said that his delegation would not oppose deferment of a decision on the question; there was a precedent for such action, since the Conference had already agreed, at its ninth plenary meeting, that consideration of article 25 should be deferred until articles 44 to 46 were taken up.

Mr. GREEN (United Kingdom) said that although on a previous occasion he had opposed the deferment of a decision of an article pending the discussion of a related article, he felt that in the present context a principle was involved to which due consideration should be given. The USSR representative had, as he understood it, made two alternative proposals, and he would like to see those proposals in writing so as to be able to give them serious consideration.

Mr. WARREN (Australia) pointed out that, under article 20, paragraphs 2 and 3, countries to which the Convention did not apply would be asked by the Board to furnish estimates, and if such estimates were not forthcoming, they would be established by the Board itself, " to the extent practicable, in co-operation with the government concerned." No difficulties should arise unless a country was unwilling to co-operate with the Board. He would not, however, object to deferment of the discussion.

Mr. CURRAN (Canada) said he agreed with the view of the Australian representative. He was not happy about the Indian amendment (E/CONF.34/C.4/L.1), which would prohibit the import of drugs from non-Parties. His delegation was anxious that all countries should accede to the Convention, and, certainly, Parties thereto should normally limit their imports and exports of drugs to other parties so far as possible. But where countries did not have the opportunity to become Parties, their requirements of drugs must be taken into account for humanitarian reasons. An equitable formula should be devised which would enable all countries to accede to the Convention.

Another drawback to the Indian amendment was that a country which traditionally obtained its supplies of drugs from many sources might be placed in a difficult position if some of its suppliers did not accede to the Convention. For example, Canada was now supplied by India with opium, and by the United States and the United Kingdom with manufactured drugs; if one or more of those countries did not become a Party, Canada might be compelled itself to produce opium and many other drugs in order to fill its requirements. He hoped that the Convention would not make it necessary for a non-manufacturing country to become a manufacturing country.

Mr. KOCH (Denmark) said he wished to make if clear that he supported the Soviet Union proposal to delete paragraph 1 (*b*) because he felt that the question of limitation of supply had no place in article 42. In any case, even if it were agreed that the article should deal with import limitation, it should logically deal with export limitation also.

Mr. RAJ (India) said that it had not been the intention of the Indian delegation, in proposing an amendment to paragraph 1, to disturb established trade channels. It would like to modify its amendment in order to meet the points raised by the Canadian representative, perhaps by the addition of a proviso that the country or territory from which the import of drugs was forbidden had been eligible to accede to the Convention and had not done so by a specified date.

The CHAIRMAN suggested that the USSR and Indian amendments should be considered at a later meeting, after they had been circulated in writing.

It was so agreed.

Paragraph 2

Paragraph 2 was approved.

Paragraph 3 (a)

The CHAIRMAN suggested that the United Kingdom amendment for the transposition of the references to State enterprises and licensing should be mentioned in the Committee's report.

It was so agreed.

Paragraph 3 (a) was approved.

Paragraph 3 (b)

Paragraph 3 (b) was approved.

Paragraph 4 (a)

The CHAIRMAN suggested that the drafting changes proposed by the United Kingdom be left to the Drafting Committee.

It was so agreed.

Paragraph 4 (a) was approved.

Paragraphs 4 (b), 4 (c) and 4 (d)

Paragraphs 4 (b), 4 (c) and 4 (d) were approved.

Paragraph 5

Mr. GREEN (United Kingdom) said that a model form of import certificate had been annexed to the 1925 Convention. He did not think it would be necessary to follow that procedure in the Single Convention, but

it would be better to entrust the task of proposing the form of import certificate to the Commission, which had experience of national administration, rather than to the Board, which dealt with estimates and statistics. There was a considerable difference between prescribing forms for submitting estimates and statistics and proposing the form of import certificates. He suggested that paragraph 5 should be amended to state that the form of import certificate would be established by the Commission.

Dr. MABILEAU (France) said it was pointless to have two bodies, the Board and the Commission, for dealing with the form of import certificates. If the United Kingdom suggestion were adopted, it would avoid that duplication.

The word " substantially " should be deleted in order to leave no doubt that the form of import certificate proposed must be accepted by the Parties.

Mr. KOCH (Denmark) said he would prefer to see the word " substantially " retained. Import certificate forms might have to follow a pattern adapted to the needs of each individual country, and the word " substantially " would enable the Parties to comply with the paragraph.

Dr. MABILEAU (France) said that if " to adopt substantially " was to be understood as meaning to follow as closely as possible, he would not press his proposal.

Mr. KRUYSSE (Netherlands) said he would have supported the French proposal, had it been maintained, because his Government had sometimes found it difficult to determine whether or not a document issued in another country was official.

He agreed with the United Kingdom representative that the Commission should draw up the form of import certificate, since whereas the Commission had some familiarity with documents of that type, the Board never saw them.

Mr. WARREN (Australia) said he agreed with the Danish representative that the word " substantially " should be retained.

The CHAIRMAN suggested that the United Kingdom suggestion that the form of import certificate be established by the Commission should be mentioned in the report.

It was so agreed.

Paragraph 5 was approved.

Paragraph 6

Mr. BEVANS (United States of America) proposed that paragraph 6 be amended to make it clear that the consignment had to be accompanied by a copy of the import certificate issued by the country of destination, as well as by a copy of the export authorization.

Dr. MABILEAU (France) seconded the United States proposal.

Mr. GREEN (United Kingdom) said he saw no necessity for requiring that a consignment should be accompanied by both an import certificate and an export authorization, since under the Convention a Party could not issue an export authorization until it had received an import certificate.

Mr. CURRAN (Canada) said he had no objection to the requirement that a copy of the import certificate should accompany the consignment. It was natural for the carrier to want documentary assurance that the consignment of drugs would be allowed to be landed.

Mr. RAJ (India) pointed out that States not Parties to the Convention could not issue documents such as export authorizations, so that, if trade with such States was contemplated, it might be necessary to have a copy of the import certificate with the consignment.

Mr. GREEN (United Kingdom) said he must repeat that, in his view, the import certificate requirement was unnecessary. Controls should be kept as simple as possible.

Mr. BEVANS (United States of America) said that importers would feel more secure if they could see both the export authorization and the import certificate.

Mr. CHA (China) said that it might be less troublesome if a system like the passport visa system were adopted. The export certificate could be stamped with a visa from the country of destination thus obviating the need for the import certificate.

Mr. KOCH (Denmark) said he shared the view of the United Kingdom representative; an export authorization was at the same time an import certificate. However, it might be helpful if the Convention specified what the exporting country should do with the import certificate, return it to the exporter who had provided it, send it back to the importing country, or keep it in the files. If paragraph 6 specified that the import certificate should be sent with the consignment, that problem would be solved.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said it seemed to him that, as the export authorization had to include a reference to the import certificate, it should be possible to detect fraudulent export authorizations without requiring both documents.

The CHAIRMAN put to the vote the United States proposal that paragraph 6 be amended to require that consignments be accompanied by a copy of the import certificate issued by the country of destination.

The United States amendment was adopted by 10 votes to 6, with 6 abstentions.

Paragraph 7 (a)

Mr. RAJ (India) said that, at the second meeting of the Committee, at the Danish representative's suggestion, he had agreed that his proposal, that the use of the double red band and international non-proprietary names should be mandatory for drugs entering international trade but merely recommended for other drugs,

should be taken up in connection with article 42. In his view, those requirements should be included in the article. They would help the customs authorities to identify drugs and would assist control enforcement in the importing country.

Mr. GREEN (United Kingdom) said that, for the reasons he had stated at previous meetings, the United Kingdom would be unable to accept mandatory requirements regarding the double red band and non-proprietary names, even if those requirements applied only to international trade.

Mr. CURRAN (Canada), associating himself with the statement by the United Kingdom representative, said that since the consignment would be accompanied both by an export authorization and by an import certificate indicating its contents, he did not see what useful purpose would be served by the additional requirement that it be marked with a double red band. The Convention might even have to lay down what shade of red should be used.

Mr. KOCH (Denmark) said he agreed with the United Kingdom and Canadian representatives. He would, however, have no objection to the insertion in paragraph 4 (*b*) of a clause requiring that the export authorization should state the international non-proprietary name of the drug.

Dr. MABILEAU (France) said he hoped that a provision along the lines suggested by the Indian representative could be inserted somewhere in the article. The matter could perhaps be more appropriately discussed in connexion with paragraph 10.

Paragraph 7 (a) was approved.

Paragraph 7 (b)

Paragraph 7 (b) was approved.

Paragraph 7 (c)

The CHAIRMAN said the Danish representative had pointed out that paragraph 7 (*c*) did not provide for the case where nothing was actually exported under the export authorization. He suggested that the point should be left to the Drafting Committee and mentioned in the report.

It was so agreed.

Paragraph 7 (c) was approved.

Paragraph 8

Mr. KOCH (Denmark) suggested that other addresses similar to post office boxes should be included.

The CHAIRMAN suggested that the point be referred to the Drafting Committee.

It was so agreed.

Mr. MABOTI (Congo (Leopoldville)) asked for an explanation of the mention of post office boxes. In his country consignment to a post office box was customary, as house-to-house delivery was hardly known. The system offered the necessary safeguards against theft or diversion, since the package was not handed over until the consignee's identity had been proved. Moreover, the addresses of firms usually consisted only of a post office box number.

Mr. LANDE, Deputy Executive Secretary, explained that the provision was based on a suggestion put forward many years ago by the Opium Advisory Committee of the League of Nations and incorporated in the Model Administrative Code. Its purpose was to prevent diversion into the illicit traffic.

Paragraph 8 was approved.

Paragraph 9

Paragraph 9 was approved.

Paragraph 10

Mr. BEVANS (United States of America) said that, now that the United States proposal that paragraph 6 be amended to require that consignments be accompanied by a copy of the import certificate as well as by an export authorization had been adopted, a consequential amendment to paragraph 10 was necessary. He therefore suggested that the words " and an import authorization " should be added after the words " export authorization ", in the second line.

It was so agreed.

Dr. MABILEAU (France) said that the Committee had not yet taken a decision of principle with regard to the use of a double red band or some similar device on the wrappings of a narcotic drug. It was clear from the discussion that many delegations were willing to accept that provision in the form of a recommendation. In his view, the device would serve a very useful purpose in helping the authorities responsible for dealing with the illicit traffic to recognize which of the many new synthetic and other drugs contained narcotic substances. At present, it was very difficult for a customs officer to know whether or not a pharmaceutical preparation contained a narcotic drug. He was not thinking of consignments of drugs for which import and export certificates were required, but of drugs carried across frontiers by travellers. The names of such drugs often gave no clue to their contents and the formula was often difficult to interpret. The double red band would be particularly useful for European countries, like his own, which had long land frontiers crossed by hundreds of thousands of travellers every year. Neighbouring countries did not apply such strict regulations as his own country, and it was easy for travellers from France to obtain such drugs as pethidine and dextromoramide and bring them back home.

The Commission on Narcotic Drugs had already taken a favourable view of the proposal. At its ninth session, some members had pointed out that " the task of the customs authorities would be simplified if there were a double red line on each package containing narcotic drugs ". At its fourteenth session, the Commission had adopted resolution (E) urging all Govern-

ments " to require that any package moving in trade and containing a narcotic drug should show a clearly visible double red band on its label ".

Obviously, therefore, a number of countries had recognized that the double red band served a useful purpose. There was no need to specify the shade of red, as the Canadian representative had claimed; and even if it were necessary, that would be no objection, for shades of colour had already been specified in international agreements for such things as road signs.

The Committee should declare unequivocally in favour of the inclusion in the Convention of a recommendation regarding the use of the double red band that would enable the countries that wished to use it to do so.

Mr. BEVANS (United States of America) said he feared that a double red band would not prove much of an obstacle to traffickers, who would merely repackage the drug in a plain wrapping.

Mr. CHA (China) said that the use of international non-proprietary names for drugs would enable buyers, sellers and the customs authorities to identify the real nature of drugs sold under different names in different countries. He did not feel, however, that the use of such names should be mandatory.

In his view, the double red band served a useful purpose and should be the subject of a recommendation.

Mr. GREEN (United Kingdom) pointed out that the purpose of the double red band was not to help the customs authorities in their examination of legitimate consignments of drugs or enforcement officers in the detection of large-scale consignments in the illicit traffic; its purpose was to facilitate recognition of narcotic drugs carried by persons crossing national boundaries. It would be useful only if the customs authorities examined every piece of luggage, which was not often the case, and only until travellers themselves came to realize its significance, which would be very soon. It had little practical use, therefore, although he would not wish to prevent any country from employing a deviee which it felt to be helpful. Nevertheless, he did not feel that a recommendation should be included in the Convention itself; he would rather it were included in the Final Act.

The CHAIRMAN, speaking as the representative of India, said he thought the use of both international non-proprietary names and a double red band would assist customs officers in the discharge of their duties. Although he saw the point of some of the United Kingdom representative's objections, there was no doubt that the double red band would be of the greatest value in a country like India, which had thousands of miles of land frontiers and large numbers of customs officers, not all of whom could be expected to know the different names of pharmaceutical products. Any device by which dangerous drugs, like poisons, could be easily recognized would greatly facilitate their task. It would be for Governments to decide whether the measure should also be applied to the domestic trade.

He was in favour of the use of international non-proprietary names in both export and import authorizations and on the wrapping of the drugs themselves. His Government had decided that all drugs on the domestic market should bear such names, and it would be entitled to refuse consignments from abroad which did not do so.

Mr. CURRAN (Canada) said he supported the United Kingdom representative's suggestion that a recommendation regarding the use of a double red band should be included in the Final Act of the Conference, though personally he saw no insuperable objection to including such a recommendation in the Convention itself. A recommendation regarding the use of international non-proprietary names should certainly be included in the principal instrument. Canadian practice was already moving in that direction.

Mr. WARREN (Australia) said he had been under the impression that, by deciding to delete paragraph 5 of article 41, the Committee had decided against the use of the double red band. In his many years of experience as a customs officer, he could not recall a single instance in which such a device would have been useful. Smugglers were very ingenious people who would quickly find a way of getting round it.

Mr. KRUYSSE (Netherlands) said it had already been decided that the use of non-proprietary names should not be mandatory and, with the decision to delete paragraph 5 of article 41, that the use of a double red band should not be mandatory either. What the Committee was now considering was recommendations regarding both points, for insertion in the Final Act. He was in favour of both recommendations. In the previous article, it was use on the package that had been considered in both instances, but in the present case, the proposal was that international non-proprietary names should be used on the documents relating to consignments of drugs in international trade. It was sometimes very difficult to recognize and understand the names of drugs used in other countries and he therefore supported the Indian representative's suggestion that the non-proprietary name should be used on important export authorizations.

Mr. KOCH (Denmark) said that the purpose of an international non-proprietary name was to draw the attention of the customs authorities to the fact that the consignment contained narcotic drugs. If the non-proprietary name was not on the container of the drugs, it should be on the export and import certificates. The risk that the customs authorities would not realize that a given consignment contained narcotic drugs was, however, very small, for the consignment was checked in both the exporting and the importing country, and the customs authorities at both ends would be reasonably conversant with the names in current use, for it was the duty of both Governments to inform their customs authorities of the names of the drugs to be watched for.

Mr. ADJEPONG (Ghana) asked whether it was intended that goods seized under paragraph 10 should be confiscated. That seemed rather extreme if the necessary documents had merely been omitted through an oversight.

Mr. LANDE, Deputy Executive Secretary, said that the word " seized " in paragraph 10 denoted a provisional measure, not final confiscation. The seizing Government would be entitled to release the shipment if a copy of the export authorization were subsequently received and it were proved that there had been no illicit intent.

Dr. MABILEAU (France) said he was gratified that so many delegations shared his own views about the double red band. If smugglers were ingenious, as the Australian representative had said, so were customs officers. In the present case, however, he had been thinking not of organized bands of professional smugglers but of amateurs, persons, for instance, suffering from a painful disease who felt that their own country denied them the relief of some drug that they felt entitled to. That point of view might be understandable, but the duty of a customs officer was to see that the regulations were enforced and any means that would help him to do so was to be welcomed. The double red band might be recommended as one such means.

Mr. von SCHENCK (Switzerland) said that he too supported the views of the French representative. The double red band was obviously of more use to a country with land frontiers, such as France, than to countries like the United Kingdom or Australia, which did not have the same problem.

Mr. KRUYSSE (Netherlands) said that the expression " crossing any border " was not quite acceptable, because customs inspection might take place at a point far from the border.

Mr. LANDE, Deputy Executive Secretary, said that the wording of the paragraph had been taken from a recommendation of the League of Nations Opium Advisory Committee and was intended to cover only international consignments. The Drafting Committee could be asked to clarify it, if necessary.

The CHAIRMAN asked whether the Committee wished to vote on the inclusion in the Final Act of the Conference of a recommendation regarding the use of a double red band.

Dr. MABILEAU (France) said he would prefer that the recommendation should be in the Convention itself, but he would bow to the will of the majority.

The CHAIRMAN invited the Committee to vote on the French proposal for the insertion in the Convention of a recommendation in favour of the use of a double red band or some similar device on the wrapping of narcotic drugs carried across international frontiers.

The French proposal was adopted by 12 votes to 6, with 3 abstentions.

The CHAIRMAN invited the Committee to vote on the proposal for the inclusion of a mandatory provision for the use of international non-proprietary names on the wrappings of drugs in international trade.

Mr. CURRAN (Canada) said that he had expected to be asked to vote on a recommendation, not a mandatory provision.

The CHAIRMAN said that the Committee had already adopted the French proposal for a recommendation on the subject in article 41, paragraph 4. There would be no point in taking a second vote unless the provision was to be mandatory. In any event, it would not apply to domestic trade.

The proposal was adopted by 17 votes to 4, with 1 abstention.

The CHAIRMAN suggested that, in view of that decision, the use of non-proprietary names on import and export certificates should also be considered mandatory.

It was so agreed.

The meeting rose at 1.20 p.m.

FIFTH MEETING

Thursday, 9 February 1961, at 3.5 p.m.

Chairman: Mr. BANERJI (India)

Consideration of Articles 30 and 40-43 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.4/L.1-3) (*continued*)

Article 42 (International Trade) (*continued*)

Paragraph 11

The CHAIRMAN invited the Committee to continue its discussion of article 42. It had been proposed by both the ICAO and the New Zealand representatives that the last sentence of the paragraph beginning " The competent authorities " should be deleted and he would now put that proposal to the vote.

The proposal was adopted by 9 votes to none, with 3 abstentions.

Mr. WARREN (Australia) suggested that the drafting would be improved if the word " transit " were got rid of; it was confusing. The Drafting Committee should restore the wording used in article 15, paragraph 1, of the 1925 Convention, which referred simply to " passage through a third country."

Mr. KENNEDY (New Zealand) said he supported that suggestion.

The CHAIRMAN suggested that the text of the paragraph, as amended, be referred to the Drafting Committee with the record of the discussion.

It was so agreed.

Paragraphs 12 and 13

Paragraphs 12 and 13 were approved.

Paragraph 14

Mr. CURRAN (Canada) said that the provisions of the paragraph should be widened to cover unforeseen calls or stops by any means of transport.

Mr. LANDE, Deputy Executive Secretary, suggested that the Drafting Committee be asked to consider whether such emergency cases were not covered by other legal rules.

Mr. von SCHENCK (Switzerland) said he must make a reservation with regard to paragraph 14. Because of their geographical position, some European countries were bound by treaties governing frontier traffic. Thus, certain airports, stations, railways and roads in Swiss territory were under the jurisdiction of foreign countries, and consequently outside the control of the Swiss police and customs authorities.

Dr. MABILEAU (France), supporting the Swiss representative's reservation, said his remarks should be taken into account by the Drafting Committee.

Dr. KENNEDY (New Zealand) asked why the provision in article 15, paragraph 5, of the 1925 Convention exempting transport by post had not been retained.

Mr. LANDE, Deputy Executive Secretary, said that the Commission on Narcotic Drugs had felt that postal consignments should not be exempted.

Mr. CHA (China) asked whether ships calling at a free port, such as Copenhagen, were exempt from customs inspection.

Mr. KOCH (Denmark) said that the term " free port " must not be misunderstood. Copenhagen was a free port, it was true, but the narcotic drugs regulations applied to any ships which entered it.

The CHAIRMAN suggested that paragraph 14 be referred to the Drafting Committee with the record of the discussion and of the ICAO representative's comments at the third meeting.

It was so agreed.

The CHAIRMAN said that, at the third meeting, the Danish representative had advocated the inclusion in either article 41 or article 42 of a provision that the drugs in ready-packed first-aid kits intended for export should be exempt from the import certificate requirement. In greater detail, his proposal was that an import certificate should not be required for narcotic drugs shipped from one country to another as part of a ready-packed first-aid kit for the use of ships or aircraft, registered in the country of export, or as part of a ready-packed first-aid kit that belonged to the equipment of a life-boat or life-raft, exported at the same time, or for any supplementary supply of first-aid kits of ships registered in the country of export. Such drugs, for the purposes of the estimates and statistics system, should be considered as consumed in the country of export.

Mr. GREEN (United Kingdom) said he saw no reason for granting such exemption, which was not granted in the United Kingdom.

Dr. MABILEAU (France) said that French shipyards were faced with the same problem. In such cases, the country for which the ship was being built itself provided the kits, which were held in bond before being put on board.

Mr. KRUYSSE (Netherlands) said he could understand the Danish delegation's attitude, because his Government had often had the same problem. Whenever a ship built in the Netherlands was being fitted out, some way had to be found of importing the first-aid kits. The aircraft industry was in the same position. He would be very glad if the Drafting Committee could devise a suitable provision to cover the point.

Mr. de BAGGIO (United States of America) said that provisions of that kind should not be included in an international treaty, where exemptions should be kept to a minimum. It was for each country to settle such problems for itself.

Mr. KOCH (Denmark) said he realized that the problem was only a minor one, but for years it had been causing his Government difficulties in its relations with the responsible authorities in other countries. His proposal affected only import certificates, not export authorizations. He would not press it now, but reserved the right to bring it forward again so that it might be dealt with, perhaps in the Final Act of the Conference.

The CHAIRMAN said that the Danish representative's suggestion would be mentioned in the Committee's report.

Article 42 bis (Special provisions concerning the carriage of drugs in first-aid kits of railway trains, ships or aircraft engaged in international traffic)

Mr. GREEN (United Kingdom) proposed that, in paragraph 1, the brackets round the words " in emergency cases ", should be deleted, and the word " or " inserted before them; that would make it clear that the provision applied not only to first-aid cases but also to cases in which regular medical treatment had to be given to a patient on a ship.

Similarly in paragraph 2, the words " by the country of registry " — should be retained. He preferred the term " improper use " to " abuse " and " agreement " to " consultation ". The International Labour Organisation should be added, after consultation with its representative, to the agencies mentioned at the end of the paragraph because it was the ILO that made recommendations regarding medical kits carried on ships.

In the fourth line of the English text of paragraph 3, the word " the " between the words " to " and " right " should be replaced by " any ", in order to make it clear that it was a question not of creating a new right but of respecting an existing right.

Dr. MABILEAU (France) said he agreed that the words " in emergency cases " should be retained in paragraph 1 and the words " by the country of registry " in paragraph 2; he also preferred the expression " improper use " to the word " abuse ".

With regard to the safeguards to be recommended by the Commission in paragraph 2, it would be only

logical to include consultation with the International Criminal Police Organization. In its resolution 770 E (XXX), the Economic and Social Council had endorsed resolution 8 (XV) of the Commission on Narcotic Drugs, which provided for such consultation. However desirable it might be to provide every facility for international air transport, it must be remembered that aircraft were being increasingly used by international traffickers, and though that remark did not apply to first-aid kits in particular, it was nevertheless important that the International Criminal Police Organization should be consulted.

Mr. KOCH (Denmark) said that, while he had no objection to the suggestions of the United Kingdom and French representatives, he felt that the wording of paragraph 1 needed improvement. The words " such limited amounts of drugs as are needed during the journey or voyage " were too vague and it would be preferable to refer to, say, the amounts prescribed by the laws and regulations of the country of registry.

Mr. de BAGGIO (United States of America) said he supported the suggestions put forward by the United Kingdom representative, with one exception: in paragraph 2, he preferred the word " consultation " to the word " agreement ", as that would facilitate the Commission's task. If it had to wait for the agreement of all the organizations mentioned in the paragraph, the Commission might find itself paralysed.

Mr. LANDE, Deputy Executive Secretary, pointed out that, under article 10, the recommendations referred to in paragraph 2 would be subject to review by the Economic and Social Council.

Mr. KADOTA (Japan) said that in the plenary meeting his delegation had expressed its agreement with the opinion of the United States representative that it was premature to apply the provisions of the article so long as the opinion of ICAO and WHO was not known. The Japanese delegation still felt that drugs should be administered only by doctors, even in emergency cases, but was ready to be accommodating, and would accept the opinion of the majority.

Mr. de TAVEL (International Civil Aviation Organization) said that the matter had now been settled, ICAO having accepted the safeguards approved by the Economic and Social Council at its last session.

Paragraph 1

The CHAIRMAN suggested that, as proposed by the United Kingdom representative, the words " in emergency cases " should be retained, the word " or " being inserted immediately before them.

It was so agreed.

The CHAIRMAN invited the Committee to discuss the Danish representative's suggestion regarding the drafting of paragraph 1.

Dr. MABILEAU (France) said that the question of the kinds and amounts of drugs to be allowed in first-aid kits had been discussed at length by the Commission on Narcotic Drugs, and was dealt with in detail in the annex to resolution 8 (XV), particularly morphine salt. If the Danish suggestion could be adopted without making the text too unwieldy, it would help to make quite clear the wishes of the Commission, as endorsed by the Economic and Social Council in resolution 770 E (XXX).

Mr. GREEN (United Kingdom) said he felt the question was one for the national authorities; in any case, the first sentence of paragraph 2 provided sufficient safeguard. He was not opposed to the Danish suggestion; it was just a matter of drafting.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the first sentence of paragraph 3 appeared to meet the Danish representative's point.

Mr. KOCH (Denmark) said that he would nevertheless like the Drafting Committee to be asked to find a new wording that would make the position still clearer.

The CHAIRMAN suggested that the question be referred to the Drafting Committee.

It was so agreed.

Paragraph 2

The CHAIRMAN suggested that, as proposed by the United Kingdom representative, the words " by the country of registry " and " improper use " should be retained.

It was so agreed.

The CHAIRMAN put to the vote the United Kingdom proposal that the word " agreement " be retained in preference to the word " consultation ".

The United Kindgom proposal was rejected by 13 votes to 3, with 5 abstentions.

The CHAIRMAN observed, with regard to the French representative's suggestion, that as the International Criminal Police Organization was a non-governmental organization, there might be some objection to its being mentioned in the Convention.

Mr. CURRAN (Canada) said that, as it was merely a question of consultation, there might be no necessity to give the names of all the organizations to be consulted.

Mr. LANDE, Deputy Executive Secretary, pointed out that it had been the practice of the Commission on Narcotic Drugs to consult the International Criminal Police Organization on such matters.

Dr. MABILEAU (France) added that, since the Economic and Social Council had not hesitated to mention the International Criminal Police Organization in the preamble to its resolution 770 E (XXX), the Conference was certainly entitled to follow the Council's example. However, it might be better, as the Canadian representative had suggested, to use some such wording as " with the appropriate organizations ".

Mr. ACBA (Turkey) said he agreed that there was no necessity to list all the organizations by name.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the suggestion of the Canadian and French representatives was entirely in line with the Board's view, which was that the paragraph should be kept as simple as possible. If it were felt that a list had to be included, perhaps some such wording as " in consultation with the appropriate international organizations, such as ", followed by the names of the organizations mentioned in the present draft of paragraph 2, would meet the case.

Mr. KUNTOH (Ghana) said he supported the view that it would be better not to list the organizations, so as not to tie the hands of the Economic and Social Council.

The CHAIRMAN suggested that paragraph 2 be referred to the Drafting Committee with the record of the discussion.

It was so agreed.

Paragraph 3

The CHAIRMAN suggested that, as proposed by the United Kingdom representative, in the fourth line the word " the " in the expression " to the right " be replaced by the word " any ".

It was so agreed.

Mr. CURRAN (Canada) said that the last sentence was out of place in the present article. First, a medical prescription could obviously not be demanded in an emergency; secondly, the question had no connexion with first-aid kits, which was the subject of the article.

The CHAIRMAN said that the nature of the problem varied according to whether it related to a journey by air or, as the United Kingdom representative had pointed out, a sea voyage, during which a patient might need full-scale medical treatment. He suggested that paragraph 3 be referred to the Drafting Committee with the record of the discussion.

It was so agreed.

Article 43 (Measures of supervision and inspection)

The CHAIRMAN invited the Committee to consider article 43.

Mr. CHA (China) said he would like to know what was meant by the expression " adequate qualifications " in paragraph 1 (*a*). Did it mean persons who had completed their medical studies or did it mean persons who had been practising medicine for ten years? Even the latter were sometimes barred from practice if a country did not recognize their medical degrees.

Mr. KADOTA (Japan) said that paragraph 1 (*b*) was not comprehensive enough; doctors of medicine, dentists and veterinarians should also be required to keep records. The second draft of the Convention had made that a requirement for all persons authorized to perform therapeutic functions; he asked why that provision had been omitted from the third draft.

Mr. LANDE, Deputy Executive Secretary, in reply to the Chinese representative, said that the question of the expression " adequate qualifications " had already been raised in the plenary meeting; it would no doubt be carefully considered by the Drafting Committee.

In reply to the Japanese representative, he said that the Commission on Narcotic Drugs had taken the view that medical practitioners should not be mentioned in sub-paragraph 1 (*b*) because they were too busy to keep records of every individual administration of narcotic drugs.

Mr. KADOTA (Japan) suggested the addition of a new paragraph recommending that doctors of medicine and all other persons dealing with narcotic drugs should be obliged to keep records.

Mr. KUNTOH (Ghana) said it had already been suggested by the Peruvian representative in the plenary meeting that the expression " effective and faithful " in paragraph 1 (*a*) should be replaced by the word " strict "; that point would no doubt be considered by the Drafting Committee

In paragraph 1 (*b*), the minimum period of two years for the preservation of records should be increased to five years.

Mr. GREEN (United Kingdom) said that that was unnecessary; two years was a minimum, and there was nothing to prevent Governments from fixing a longer period for their own countries if they wished.

Dr. MABILEAU (France) said he had already suggested in the plenary meeting that the word " scientists " in paragraph 1 (*b*) should be dropped; it was preferable that institutions should be required to keep records rather than the persons concerned, who were often too busy. The expression " scientific institutions " should also be changed to " institutions for scientific research and education ". As regards the records themselves, the Drafting Committee should replace the wording, " manufactured and of each individual acquisition and disposal of drugs " by the words " acquired, used, disposed of or sold "; that would give an idea of the movement of narcotic drugs in those institutions.

Mr. KRUYSSE (Netherlands) said he did not think the French representative's suggestions were an improvement. The authority to use narcotic drugs was not always conferred on institutions, but often on individuals. In any case, the expression " institutions for scientific research and education " was unduly restrictive, since analytical laboratories used narcotic drugs but could not be so described.

The Japanese representative's suggestion for the addition of a new paragraph seemed to serve no purpose. Prescriptions were carefully examined at pharmacies, and it was through pharmacies that drug addicts were traced. Physicians who had a dispensary or clinic should, of course, keep records in the same way as pharmacists.

He agreed with the United Kingdom representative that the two-year period prescribed in the Convention was sufficient.

Dr. MABILEAU (France) explained that this reason for asking that institutions should be required to keep records was that, generally speaking, physicians were already under strict control since they kept counterfoil books. Scientists, on the other hand, were free to apply for narcotic drugs, sometimes in very large quantities, for their work or for teaching purposes. Control in that case was laxer and even highly qualified persons were not immune from drug addiction. Governments could, of course, be left to adopt their own safeguards, but the Convention could help them.

Mr. KOCH (Denmark) said that to stipulate in a convention that scientists, scientific institutions and hospitals should keep records was going too far. No obligation had been laid down in any instrument with regard to the distribution of narcotic drugs to such users, but private individuals could obtain drugs only on prescription. He proposed that the decision whether or not to require the keeping of records should be left to governments. Traders' records were sufficient for control purposes.

Mr. KADOTA (Japan) said he agreed with that view.

Mr. CURRAN (Canada) said that the Committee was considering a general obligation; it was impossible to go into details and list all the persons authorized to obtain narcotic drugs. What was needed was that Governments should have some means of control. The Drafting Committee should be able to find a satisfactory form of words for that purpose.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he agreed with that view.

Mr. KOCH (Denmark) urged that Governments should be left to decide whether scientists, scientific institutions and hospitals should keep records; failing that, the provision should take the form of a recommendation.

Mr. de BAGGIO (United States of America) said it was essential that hospitals should keep records, for it was well known that they were one of the main sources of supply for drug addicts.

Dr. KENNEDY (New Zealand) said he supported that view. On the other hand, the Japanese suggestion — that doctors should have to keep records might create administrative difficulties in some countries, such as New Zealand.

Mr. KOCH (Denmark) said he could agree to the inclusion of a requirement that hospitals should keep records, but in the case of scientists and scientific institutions the relevant provision should merely take the form of a recommendation.

Mr. KADOTA (Japan) said he had supported the Danish proposal on the understanding that doctors were included in scientists, scientific institutions and hospitals.

Dr. KENNEDY (New Zealand) asked that doctors should be dealt with separately.

The CHAIRMAN put to the vote the Danish representative's proposal that the keeping of records by scientists and scientific institutions should be left to the discretion of governments, and that the relevant provision should take the form of a recommendation.

The Danish representative's proposal was rejected by 16 votes to 5, with 1 abstention.

Mr. KADOTA (Japan) formally proposed that the Committee adopt a recommendation to the effect that doctors of medicine should be required to keep records.

Mr. de BAGGIO (United States of America) said he could not support that proposal because it covered only doctors of medicine; there were other doctors who made more use of narcotic drugs than did doctors of medicine. It was better to leave Governments to adopt whatever safeguards were needed.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Japanese proposal should cover dentists and veterinarians as well. If, however, that proposal was liable to create administrative difficulties in some countries, the Board would not press it.

The CHAIRMAN pointed out that there was nothing in the draft Convention to prevent Governments from imposing severer restrictions if they so desired.

Mr. KADOTA (Japan) said that he reserved the right to raise the question again at a later meeting.

Mr. CURRAN (Canada) suggested that it might be desirable to include in the Convention a special clause on the possession of narcotic drugs, as had been done in the 1925 Convention.

Mr. LANDE, Deputy Executive Secretary, proposed that a clause should be inserted requiring Parties to permit possession of narcotic drugs only by authorized persons. If the Committee approved that proposal in principle, the wording could be left to the Drafting Committee.

It was so agreed.

The meeting rose at 4.50 p.m.

SIXTH MEETING

Thursday, 16 March 1961, at 5 p.m.

Chairman: Mr. BANERJI (India)

Consideration of Articles 30 and 40 to 43 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.4/L.1-3 and L.7) (*concluded*)

Article 42 (International trade)

Paragraph 1 (resumed from the fourth meeting)

The CHAIRMAN invited the Committee to resume its consideration of article 42, paragraph 1, to which the Indian (E/CONF.34/C.4/L.1 and 3), USSR (E/CONF.34/C.4/L.2) and Netherlands (E/CONF.34/C.4/L.7) delegations had submitted amendments.

Mr. KRUYSSE (Netherlands), said that the purpose of article 42 was to oblige countries to limit their exports to the total of the estimates as defined in article 28, paragraph 2, in other words, to the total amount needed for domestic requirements. But if a country wanted to import more, for purposes of re-export, it should have the possibility of doing so. The 1931 Convention contained a provision to that effect, and his delegation's amendment was intended to allow for that eventuality.

Mr. KOCH (Denmark) said he doubted whether paragraph 1 (*b*) was necessary or justified. Even though it bound the Parties only when they knowingly permitted export, it could involve exporting countries in an excessive amount of red tape not warranted by its importance. Were not the provisions of article 29 adequate and was it not the Board rather than the countries themselves that should deal with the matter? He would be glad to hear the views of the Board representative on the point. He was prepared himself to propose the deletion of the paragraph.

Mr. ATZENWILER (Permanent Central Opium Board) said that though he had no precise instructions on the point, he believed that neither the present Board nor the future Board would have any objection to the Netherlands amendment.

With regard to the Danish proposal, it should be remembered that under the 1931 Convention the responsibility for limiting supplies to importing countries to the amounts fixed in the estimates lay with the importing countries themselves. On various occasions importing countries had authorized imports of quantities above the estimates, and the exporting countries had delivered those quantities, claiming that if the importing countries themselves did not abide by the prescribed limits, there was no reason why the exporting countries should either. It was for that reason that the Board had proposed the addition of paragraph 1 (*b*). It was important to note that the qualification " knowingly " before " permit " limited the scope of the obligation. The clause seemed entirely reasonable and in full accord with the purpose of the 1931 Convention, which unfortunately did not contain such a provision. It was hoped, however, that the Single Convention would be an improvement on the existing treaties.

Mr. de BAGGIO (United States of America) said that while certain of the Convention's provisions might be repetitive, articles 29 and 42 involved quite different obligations. The limitation on imports imposed by the Convention was a very important aspect of the fight against the illicit traffic, and he was strongly in favour of retaining paragraph 1 (*b*).

Mr. RAJ (India) said he emphatically supported that view; the provision was both warranted and necessary and should be retained. The Board could only intervene when a country's imports exceeded or would exceed the authorized amount, but under paragraph 1 (*b*) a Party could take action the moment it received an excess order and refuse to authorize export.

With regard to his delegation's amendment (E/CONF. 34/C.4/L.1 and L.3), in view of the contents of article 29 as adopted in the plenary meeting, he would not press for a vote on it if paragraph 1 (*b*) were retained.

Mr. GREEN (United Kingdom) said he could assure the Danish representative that paragraph 1 (*b*) did have a practical value; he could quote instances where countries had authorized the import of amounts in excess of their estimate for a full year, or of narcotics for which no estimate had been made at all. The paragraph should be retained.

Mr. KRUYSSE (Netherlands) said he fully supported the views of the Board and the United States representative. It was very important to prescribe obligations for exporting as well as for importing countries. It was the practice in the Netherlands to make an automatic check against the statement of estimates prepared by the Supervisory Body before authorizing exports.

Mr. WARREN (Australia) said he favoured the retention of paragraph 1 (*b*) and endorsed the Netherlands amendment.

Dr. MABILEAU (France) said that he certainly had no objection to the retention of paragraph 1 (*b*); in fact, he thought it necessary. The word " knowingly " guaranteed moreover that a country could not be held responsible unless it was fully aware of the facts. The Netherlands amendment was entirely acceptable.

Mr. CURRAN (Canada) said he shared the views of those representatives who had supported the Netherlands amendment and endorsed the retention of paragraph 1 (*b*). That type of control was essential. It did not impose any onerous obligation on the Parties and bound them only when they were acting wilfully.

Mr. KOCH (Denmark) said that although he was not personally convinced of the value of the paragraph, since opinion in favour of it seemed to be unanimous, he would not press his own proposal.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that at the third meeting, his delegation had submitted an amendment (E/CONF.34/C.4/L.2) for the deletion of paragraph 1 (*b*). His delegation's view was that the Board could not make estimates for countries which were not parties to the Convention since it could not know their real needs; its estimates would therefore lack any solid basis. Such countries might also find it difficult to import the narcotic drugs they needed. Since, however, the Committee evidently preferred to follow the 1931 Convention, the USSR delegation would not press its amendment. It should, however, be made clear that paragraph 1 (*b*) would be applied in the light of those countries' estimated needs. The supervisory body made estimates of the amounts needed to satisfy those countries' needs and to produce other narcotics, but made no allowance for stocks. Countries exporting to non-party countries should remember that narcotic drugs were needed for three purposes: medical and scientific purposes, the production of other drugs, and stocks.

The CHAIRMAN put to the vote the Netherlands amendment (E/CONF.34/C.4/L.7) for the addition,

at the end of paragraph 1 (*b*), of the words " with the addition of the amounts intended to be re-exported ".

The Netherlands amendment was adopted by 15 votes to none, with 6 abstentions.

Mr. RAJ (India) said he had abstained because he was not actually aware of any instances where countries did import narcotics in order to re-export them; in any case only small quantities would be involved in such transactions

Mr. ATZENWILER (Permanent Central Opium Board) said he wished to remind the Committee of the Board's view that the Single Convention ought to leave no possible doubt that when the estimates for a country or territory did not not include figures for a particular drug, that denoted the absence of a need for that drug and not the absence of a limit.

Mr. CURRAN (Canada) said that since very clear explanations were already available in the Conference's summary records, it might not be necessary to return to that question. In any case it was not a question that could be left to the Drafting Committee.

The CHAIRMAN invited the Committee to vote on paragraph 1 in three parts.

Paragraph 1 (295) was approved by 20 votes to 1, with 1 abstention.

Sub-paragraph 1 (a) (296) was approved by 24 votes to none, with 1 abstention.

Sub-paragraph 1 (b) (297), as amended, was approved by 18 votes to 1, with 3 abstentions.

Paragraph 1 as a whole was approved by 19 votes to 1, with 1 abstention.

The CHAIRMAN thanked the members of the Committee for their helpful co-operation and declared that its task was now completed.

The meeting rose at 5.45 p.m.

5. *Ad Hoc* Committee on Articles 31 to 34 of the Third Draft

FIRST MEETING

Friday, 10 February 1961, at 11 a.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Mr. KOCH (Denmark)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. GREEN (United Kingdom) proposed Mr. Ignacio-Pinto (Dahomey).

Mr. MABILEAU (France) seconded and Mr. BANERJI (India) supported the proposal.

Mr. Ignacio-Pinto (Dahomey) was elected by acclamation.

Mr. ZOLLNER (Dahomey) said that unfortunately, Mr. Ignacio-Pinto would be unable to attend the present or the next meeting.

The ACTING CHAIRMAN suggested that, in the circumstances, the Committee elect a Vice-Chairman.

It was so agreed.

The ACTING CHAIRMAN called for nominations for the office of Vice-Chairman.

Mr. CURRAN (Canada) proposed Mr. Koch (Denmark).

Mr. ASLAM (Pakistan) seconded and Mr. BANERJI (India), Mr. CHA (China), and Mr. NIKOLIC (Yugoslavia) supported the proposal.

Mr. Koch (Denmark) was elected Vice-Chairman by acclamation and took the Chair.

Consideration of Articles 31-34 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/L.2; E/CONF.34/C.5/L.1-3)

The CHAIRMAN said that the Committee had been set up at the eleventh plenary meeting to deal with articles 31-34, a set of four articles concerned with control of production of the opium poppy, with special provisions relating to opium and poppy straw. Amendments to article 32 had already been proposed by Turkey (E/CONF.34/L.2) and a group of five countries (E/CONF.34/C.5/L.2) and to article 31 by the United States (E/CONF.34/C.5/L.1) and India (E/CONF.34/C.5/L.3).

Mr. ACBA (Turkey) said that in the plenary meeting, strong objections had been raised to paragraph 1 (*a*) of article 32, which dealt with restrictions on international trade in opium and poppy straw. Apprehension had been expressed as to the possibility of maintaining an uninterrupted world supply of opium if the number of producing countries were limited. Those fears were quite unfounded because the producing countries listed in paragraph 1 (*a*) were the very ones that were already producing opium under the present system. There would, therefore, be no falling off in future supplies and all legitimate needs would be met, as in the past. The list of producing countries reflected the existing situation.

The supporters of the closed list had been accused of claiming that limitation would help to combat the illicit traffic, without showing how it was to be done. That was not true; they had merely expressed the view that such limitation was one way to prevent overpro-

duction, and that was a highly desirable aim, since excess production found its way into the illicit traffic. They had also been accused of trying to secure artificial limitation of the number of opium producing countries and freedom from competition. But the Single Convention had been drafted by the Commission on Narcotic Drugs, not by the opium producing countries; the accusation was therefore unfounded. There could be no question of artificially limiting the number of producing countries, because the countries on the list were and always had been the producers of opium; in fact they had long been the sole source of the product on the world market. As for their wishing to secure freedom from competition, that was equally untrue because no producer was excluded; the producing countries would continue to compete with each other as they had always done. The real reason for inserting in the Convention a closed list of producing countries was to prevent drug addiction, by ensuring that there should be no excess production to be diverted into the illicit traffic. The idea of limiting production had come from the consuming countries; the producing countries had merely bowed to their wishes, at some cost to themselves.

It had been claimed that the fact that opium was an addiction producing drug was not an adequate reason for denying the right of underdeveloped or newly independent countries to put their natural resources to profitable use, in other words, to produce opium. But the cultivation of the opium poppy and the production of opium for export had not brought prosperity to the present producing countries; if the underdeveloped and newly independent countries were anxious to promote their economic development, they would be better advised to choose some other crop than the opium poppy.

Another accusation that had been brought against the opium-producing countries was that they had introduced control measures only after illicit traffic and drug addiction had reached substantial proportions. whereas any country beginning to produce opium would institute control measures immediately. If the intention was to suggest that new producing countries would be better able to suppress the illicit traffic and eradicate drug addiction, that could at best be only a hypothesis. It seemed unlikely that countries with no experience of the problems of control would manage to do better than countries with long experience of those problems.

Figures had been quoted in an attempt to prove that, if there were a closed list of producers, there would be a risk of a world shortage of opium because of variations in climatic conditions and fluctuations in production. The figures quoted had been accurate, but in dealing with opium production, it was necessary to consider periods of several years, not just single years. Wide fluctuations in supply were avoided because stocks were built up during the good years to tide over the bad. In any event, it would not be difficult for the producing countries to regulate their production according to need. They had reduced it by 50 per cent in order to comply with their international obligations but could increase it again at any time if a shortage really seemed likely. The adoption of a satisfactory Convention and its conscientious application would solve all the difficulties in the field of narcotic drugs, including the hypothetical one of a possible shortage of opium.

Criticism had also been voiced of the " monopolistic position " of certain opium-producing countries on the world market. It was to preclude the possibility of a monopoly that the Turkish delegation had submitted its amendment (E/CONF.34/L.2), which, he trusted, would command wide support.

The producing countries had been asked to explain how a closed list of opium producers would improve the narcotics situation in the Near and Middle East, and the view had been expressed that any improvement in that situation would in fact depend on the effectiveness of the national and international control measures applied by the Governments concerned. He agreed that co-operation between governments should lead to an improvement, but that was no reason for believing that there was no need to limit production. Admittedly, as had been pointed out, the Turkish representative to the fifteenth session of the Commission on Narcotic Drugs had not included limitation of the number of exporting States among the measures he had then advocated, but that was merely because such limitation had had nothing to do with the subject then under discussion.

Article 31 (National opium agencies)

The CHAIRMAN invited the Committee to consider first article 31.

Mr. de BAGGIO (United States of America) said that the purpose of his delegation's amendment to article 31 (E/CONF.34/C.5/L.1) was to bring the article into line with article 35, paragraph 2, and article 39, paragraph 4. The same restrictions would then apply to the cultivation of the opium poppy, the coca bush and the cannabis plant.

His delegation was willing to accept a less stringent system of control for poppy straw than the one laid down in the Convention. At the eleventh plenary meeting, the French representative had proposed the adoption of the main provisions of article 4 of the 1953 Protocol. These provisions should be included in the Convention as a separate article and all mention of poppy straw deleted from the articles now under considerations. That would solve a problem which had troubled so many delegations.

The Convention should also provide that substances produced by processing poppy straw should be subject to the same control as drugs. That could be done by defining those substances and placing them in schedule I.

The CHAIRMAN suggested that, before taking up the article in detail, the Committee should take a decision of principle as to the extent to which the production of poppy straw should be controlled under the Convention.

It was so agreed.

Mr. NIKOLIC (Yugoslavia) said that he was opposed to the inclusion in the Convention of article 4 of the 1953 Protocol, which was ambiguous. The view of his

delegation was well known. Poppy straw should be controlled at the import and export stages and on arrival at the factory, but not before. If that principle were accepted, it could be clearly stated in the Convention. He would also like to see a provision included on poppy paste; it would be quite easy to formulate.

The CHAIRMAN suggested that the Committee begin by discussing what control measures, if any, should be laid down for poppy straw before it reached the factory; if he had understood him correctly, the Yugoslav representative had spoken in favour of such measures.

Mr. KRUYSSE (Netherlands) said that his Government had proposed that an article similar to article 4 (*a*) of the 1953 Protocol should be inserted in the Convention to cover the question of poppy straw. However, he agreed with the Yugoslav representative that the provisions of that article were not comprehensive and would be insufficient if all other reference to poppy straw were deleted from the present draft. For example, it should be explicitly laid down that export and import certificates were required; his country, although not a party to the 1953 Protocol, already required such certificates. Under the draft schedule I, part 1, drawn up by the Technical Committee (E/CONF.34/C.3/L.1), poppy straw would be controlled after it had entered either the manufacturing process or international commerce; such control over poppy straw would be enough to prevent any abuse.

Poppy paste should be subject to the same provisions as opium, including those regarding the limitation of stocks.

Mr. VERTES (Hungary) said that the present differences between delegations could be removed if the Conference showed a spirit of compromise. In that spirit his own delegation was ready to accept the proposal that the provisions of article 4 of the 1953 Protocol should be included in the Single Convention, preferably as a separate article dealing with poppy straw. At the same time, it considered that control was unnecessary until poppy straw reached the factories manufacturing alkaloids. In Hungary, every such factory was required to register the quantities of raw material processed, the date and mode of transport to the factory, the quantity of alkaloids produced, the quantity delivered by the factory, the date and mode of transport from the factory, losses in manufacture, and the quantity of alkaloids used for pharmaceutical preparations. Every three months a table containing the foregoing data was sent to the control agency, and the factory was inspected at least every six months. His delegation considered that those measures were adequate to prevent any possibility of abuse.

Mr. BANERJI (India) said he was glad to note that some of the dangers to which his delegation had drawn attention were appreciated by other delegations. The Indian delegation thought that, since poppy strawn contained substantial quantities of phenanthrene alkaloids, and sometimes found its way into the illicit traffic, it should be treated on the same footing as opium. Having regard, however, to the objections of other delegations, he would be ready in principle to accept the proposal to include in the Convention the provisions of article 4 of the 1953 Protocol. Since that article embodied the principle that there should be some machinery to ensure that poppy straw did not enter the illicit traffic, its inclusion would satisfy his delegation, which had no desire to interfere with the legitimate production of alkaloids from poppy straw. If the article were included in the new Convention, either as it stood or in an improved wording, as the Yugoslav representative had suggested, his delegation would withdraw its amendment (E/CONF.34/C.5/L.3). The purpose of that amendment had been to ensure that the cultivation of the opium poppy was treated on the same footing whatever the purpose of such cultivation, but he recognized, in the light of the Netherlands and Hungarian representatives' explanations, that complete control over poppy straw production might not be necessary if adequate precautions were taken. He would like, however, to hear the views of the Secretariat on the matter.

Mr. NIKOLIC (Yugoslavia) said that there seemed to be some misunderstanding of his delegation's position. Some delegations had proposed the inclusion of the provisions of article 4 of the 1953 Protocol, and the Hungarian representative had expressed his readiness to accept that suggestion. He himself was opposed to it, however, because he could not accept it as now worded. His country cultivated poppies over an area of some 10,000 acres, and the straw harvest might reach 2,000, 4,000 or even 10,000 tons. It was impossible for the growers to know how much would go for export, or for what purposes the straw would be used. A considerable part of the crop was left on the field. Instead of general control measures, therefore, it would be better to prescribe specific measures. As he understood it, it was agreed that there should be three kinds of control, import and export certificates, annual statistical returns to the Board, and control over any straw entering factories for the manufacture of alkaloids. Those control provisions should be put in explicit form, instead of being left in the terms of article 4 of the 1953 Protocol.

Mr. ACBA (Turkey) said that his delegation, while still holding the view that poppy straw could be used in the illicit traffic, was prepared, in a spirit of understanding, to accept the suggestion that it be dealt with separately from opium. He was glad to note that the viewpoints of delegations were drawing closer, and that control at least over the import and export of poppy straw and the manufacture of alkaloids was accepted. He agreed with the Yugoslav representative that if a special article were drafted for poppy straw, it should embody clear provisions rather than the imprecise clauses of article 4 of the 1953 Protocol.

Mr. BANERJI (India) said that the Yugoslav representative, in enumerating the kinds of control which were necessary with respect to poppy straw, had omitted to mention the idea that there should be some degree of control over cultivation to prevent illicit lancing

or the making of concoctions. Crude consumption of that kind must be stopped, although he agreed that the detailed regulations should be made by Governments.

Mr. CHA (China) said that it was clear that poppy straw was a dangerous raw material; it was used in the manufacture of opium alkaloids, and there must be strict control to ensure that it was not diverted into illicit traffic. Even if it was used for export only, the whole process of harvesting the straw and transporting it to the factory needed to be controlled. He agreed that article 4 of the 1953 Protocol was not specific enough. His delegation would like to see strict control measures laid down in the Convention.

The CHAIRMAN, speaking as the representative of Denmark, said that while there seemed to be a general desire to re-word article 4 of the 1953 Protocol, if it were to be included in the present Convention, in order to provide a clear description of the control measures required over poppy straw before it reached the manufacturing stage, in his opinion it would be difficult to make the article more specific. What was needed was a special article stipulating adequate measures of control, transmission of statistics on poppy straw used for morphine manufacture, and import and export certificates for the product. If the Drafting Committee was to be asked to make the article more explicit than that, more information would be required as to the precise measures contemplated.

Mr. NIKOLIC (Yugoslavia) said he could assure the Indian representative that he had not overlooked the fourth kind of control; he had omitted it purposely. His delegation was opposed to internal control over poppy straw before it entered the factory for manufacture into alkaloids because such control would serve no useful prupose. Because of the low percentage of morphine in poppy straw, truckloads of it were needed to manufacture opium alkaloids, and it was difficult to see how truckloads of poppy straw could be transported from one country to another without detection. Furthermore, the extraction of opium alkaloids from poppy straw was a technically complicated process which could only be carried out in a large plant, so that clandestine operations were most unlikely. No instance of illicit traffic in poppy straw had ever been cited in the reports of either the PCOB ot the Commission on Narcotic Drugs,

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Board was prepared to agree that poppy straw should be subject to control from the point of its entry into the factory, and that the export and import of poppy straw should be controlled. If article 4 of the 1953 Protocol were incorporated in the Convention, paragraph (*c*), requiring the transmission of statistics, would have to be amended to cover not merely exports and imports of poppy straw, but also the quantities used for the extraction of narcotic drugs and the stocks of poppy straw maintained for the manufacture of drugs. The only controversial point seemed to be whether Governments should be required to adopt internal measures to prevent the diversion of poppy straw into the illicit traffic. The general principle that such measures should be taken was already embodied in article 4 of the 1953 Protocol, and to impose detailed controls would make it difficult to achieve a compromise between the opposing views. Since no evidence of illicit traffic in poppy straw had been found, the Board had no strong views on the matter.

Mr. CURRAN (Canada) said the Committee seemed to be agreed that the control measures should be realistic but not onerous. Article 4 of the 1953 Protocol provided a good working text. First, it contemplated that a country might cultivate poppies for non-narcotic uses. It might be difficult, as the Yugoslav representative had said, to determine the ultimate uses at the time of cultivation, but that point could be clarified in the drafting process. Secondly, it provided for adequate domestic control of the manufacture of narcotic substances from poppy straw. Admittedly, it envisaged only general administrative controls, but he doubted whether the Convention should go farther and specify what administrative steps each party should take. Thirdly, it would appear from the article that control became necessary only when the poppies had entered the factory for conversion into narcotic drugs. It should be remembered that not only the administrative controls but also the kind of penalties imposed under article 45 of the draft Convention might then come into play. Consequently, it might be specified that the words " unauthorized persons " in the definition of " illicit traffic " in article 1, paragraph (*o*), excluded the original cultivators of poppies for non-narcotic uses, but that any person subsequently misusing poppy straw would be subject to penal sanctions.

Mr. KRUYSSE (Netherlands) said that he could not regard poppy straw as a dangerous raw material. The Indian representative had mentioned two possible misuses of poppies and poppy straw; lancing of the poppy capsules for the illicit production of opium, and the making of decoctions. Lancing was not feasible, at least in those areas where poppies were cultivated for purposes other than the production of opium. In his country, traffickers, spurred on by the war-time shortage of opium, had attempted to produce opium by lancing, but without success. Moreover, such attempts were not difficult to police. As for decoctions, he doubted whether brews, particulary if made from poppies cultivated in the colder regions, could induce or sustain addiction. Consequently, he shared the view of the Yugoslav representative that it was not necessary to control poppies and poppy straw in agricultural areas. Of course, the straw should come under control the moment it was used for the production of paste or morphine.

Mr. BANERJI (India) said that there had been some illicit traffic in exhausted poppy capsules in his country. In fact, legislation had recently been introduced placing poppy capsules in the same category as opium. His delegation did not insist on having a detailed provision on the subject but would like to see an article included in the Convention similar to article 4 of the 1953 Pro-

tocol, requiring the parties to take action if the necessity arose. The Single Convention was intended to apply universally, and should therefore cover the illicit use of poppy straw as well as of other products.

Mr. MENDIZABAL (Bolivia) said that the scientific principles governing the importance of the poppy capsule and of the poppy straw as raw materials for the production of opium alkaloids should be clearly established. As he understood it, the poppy was cultivated in some countries to obtain the seeds which were used as a foodstuff and for the extraction of oil, and in other countries exclusively for the production of opium. The seeds contained no alkaloids, the straw contained a small, almost trifling, amount of morphine, while the capsule contained more. From the commercial standpoint, the small quantity of alkaloids in the straw did not justify the imposition of international or national controls. However, control of the cultivation of the poppy generally was of the highest importance. The excellent measures included in the draft Convention, apparently based on Indian legislation, fully satisfied the desire for international standards which would provide secure and positive control of the cultivation of the poppy.

The Yugoslav representative had said that enormous quantities of poppy straw would be required to manufacture morphine. Dr. Kuessner, in his report on poppy straw (E/CONF.34/4, page 5), had said that " if all poppy cultivators were required to surrender the entire harvest of poppy straw inclusive of the stalks, enormous quantities of that material, something like 100,000 tons, would accrue in Europe ", while " if poppy straw should mean only straw intended 'for the manufacture of alkaloids', it was difficult to see at what point the farmers would know whether it was so intended or not." He had added that " the term poppy straw, as commonly and widely used was not clear, with the result that there was no clear distinction between poppy capsules and poppy straw even in the statistics furnished by Governments to the PCOB ". He would therefore like to see some scientific determination of the importance of, first, the poppy capsule and, secondly, poppy straw as raw materials for the production of morphine.

Mr. LANDE, Deputy Executive Secretary, said that, as defined in article 1, paragraph (*v*) of the draft, " poppy straw " included the capsule and the stem; however, only the capsule and the upper part of the stem were used in the manufacture of alkaloids, since the alkaloid content of the lower part of the stem was very low.

Dr. MABILEAU (France) said that at the eleventh plenary meeting he had proposed the adoption of the main provisions of article 4 of the 1953 Protocol, which controlled manufacture from and foreign trade in poppy straw. That proposal had now been discussed at length, and the summary just offered by the Canadian representative had taken account of all viewpoints, including that of the Yugoslav representative. He would like to thank the Hungarian delegation for its understanding attitude. He approved the Technical Committee's proposal (E/CONF.34/C.3/L.1) to place poppy straw in schedule I " when such straw had actually entered into a process which may result in concentration or eventual isolation of morphine or other phenanthrene alkaloids or when it has entered into international commerce ". That meant, in effect, that poppy straw would come under the control required by the Convention only when it was received at the factory or it became an item in international trade. Schedule I, as proposed by the Technical Committee, also rightly included poppy straw concentrate, which contained a high percentage of morphine and was not an innocent raw material like poppy straw.

He agreed with the PCOB representative that paragraph (*c*) of article 4, of the 1953 Protocol would have to be amended.

Mr. VERTES (Hungary) said that if, as the Indian representative had suggested, there were in fact countries where misuse of poppy straw gave rise to drug addiction, the Governments concerned should take the necessary preventive measures. However, that situation was unknown in Hungary and in most other countries, and he did not feel that the Convention need include anything more than a recommendation that Governments should take action if the need arose.

The CHAIRMAN said that there appeared to be general agreement that the Convention should include a special article dealing with poppy straw, drafted along the lines of article 4 of the 1953 Protocol and providing, first, that poppy straw should be subject to the export-import certificate authorization system; secondly, that the parties should trasmit to the Board statistics of exports and imports of poppy straw; thirdly, that the parties should assume the obligation to ensure that opium was not produced from poppies cultivated for a purpose other than the production of opium; fourthly, that the parties, if they deemed it feasible, should establish control measures to ensure that poppy straw was not diverted into the illicit manufacture of narcotic substances; and fifthly, that the parties should assume the obligation to control the use of poppy straw by manufacturers for the production of narcotic substances. The provision of article 4 of the 1953 Protocol requiring parties to transmit copies of laws and regulations in that field need not be included, since that point was covered by article 26. He suggested that the Committee recommended a provision along those lines to the plenary meeting for reference to the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) said he did not share the view that the Committee had reached agreement on the question of poppy straw. It seemed to him that two opposing positions had been taken: some delegations, including his own, had argued that poppy straw should be subject to export and import controls, that it should be controlled from the time it entered the factory, and that statistics should be transmitted to the Board; other delegations had argued that there should in addition be adequate control of poppy straw in the country. A vote should be taken to decide which of whose positions represented the majority view.

Mr. CURRAN (Canada) said he was satisfied that the broad outline presented by the Chairman would provide an adequate basis for the Committee's report to the plenary.

The meeting rose at 1.5 p.m.

SECOND MEETING

Friday, 10 February 1961, at 3.15 p.m.

Chairman: Mr. KOCH (Denmark)

Consideration of Articles 31-34 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.5/L.1-3) (*continued*)

Article 31 (National opium agencies) (*continued*)

The CHAIRMAN invited the Committee to continue its efforts to reach a decision on the extent to which the production of poppy straw should be controlled under the Convention.

He asked whether it was agreed that the article should contain a provision binding the Parties to take the necessary measures to control the manufacture of narcotic substances from poppy straw.

It was so agreed.

The CHAIRMAN asked whether it was agreed that the article should contain a provision binding the Parties to place their imports and exports of poppy straw under the licensing system provided for by the Convention.

It was so agreed.

The CHAIRMAN asked whether it was agreed that the Parties should contain a provision binding the parties to transmit statistics of poppy straw imported or exported and of poppy straw used for the manufacture of narcotic substances.

It was so agreed.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that without statistics of stocks such statistics would be incomplete. It should be left to the control organ to decide what the statistics should cover.

The CHAIRMAN asked whether it was agreed that the article should contain a provision specifying that opium should not be produced from poppies cultivated for a purpose other than the production of opium.

Mr. CHA (China) said that he wondered to what extent such a provision would be practicable. It would be difficult to prevent cultivators from yielding to the temptation to produce opium from poppy which had been cultivated for some other purpose.

Mr. NIKOLIC (Yugoslavia) pointed out that the experiment had been made in his country, where poppy cultivation for opium production was authorized only in the Republic of Macedonia, and there had been no difficulty.

Mr. BANERJI (India) asked whether production of opium was meant to include the production of other narcotic substances derived from the poppy, such as poppy paste, which should also be controlled.

The CHAIRMAN said that only opium was concerned.

Mr. CURRAN (Canada) suggested that, since article 31 mentioned poppy straw, from which substances other than opium could be derived, it might be preferable to place the special provisions concerning opium elsewhere in the Convention.

The CHAIRMAN said that the question to be settled was whether control of the poppy plant should be imposed at the stage of cultivation; the Drafting Committee would decide where the provision should appear.

He asked whether it was agreed that the article should contain a provision specifying that opium should be produced only from poppy legally cultivated for that purpose only.

It was so agreed.

The CHAIRMAN asked the Committee to reach a decision on the question whether poppy straw should be subject to control. Some delegations had opposed such control while others had expressed themselves in favour of it. Perhaps agreement could be reached on a provision, which would not be binding, that if a Party feared that poppy straw might be diverted to illicit purposes, it could take such measures as it thought necessary. The formulation could then be left to the Drafting Committee.

Mr. BANERJI (India) said that it would be wiser for the Committee to give a clear verdict. In some countries, problems arose in connexion not only with narcotic substances obtained from poppy straw but also with poppy straw paste. It was in the interest of all countries that poppy straw should not be diverted to illicit purposes, and measures which it might be desirable to take in the matter should therefore be brought to their attention. The Committee should produce a recommendation based on the provisions of article 4 of the 1953 Protocol.

Mr. NIKOLIC (Yugoslavia) said that the text would be too cumbersome if in each article it were stated that Governments could, if they so desired, take stricter measures than those provided for under the Convention. It would be better to include a general provision to that effect.

Mr. KRUYSSE (Netherlands) said he agreed that the Convention should contain a general provision to that effect, as had already been proposed by the United States representative, since conditions varied greatly from country to country. That would enable India, for example, to take the necessary measures to combat the activities of individuals who produced home-made

decoctions or used processes to concentrate the morphine contained in poppy capsules. Confusion could also arise from the fact that what some people understood by " poppy paste " and " poppy straw concentrate " were less dangerous than narcotic drugs while for others they were extremely dangerous substances. Poppy paste, for example, contained 50 to 55 per cent of morphine and should therefore be dealt with in the same way as morphine.

Mr. VERTES (Hungary) said that he too was in favour of a general provision. The dangers of abuse due to poppy straw might be serious in some parts of the world and such a provision would therefore be very useful.

Mr. BANERJI (India) said that, as pointed out by the Netherlands representative, the Parties should be enabled, if they thought necessary, to impose controls on substances other than opium, such as decoctions and poppy paste, which were just as harmful as morphine.

Mr. KRUYSSE (Netherlands) said that if the Committee was contemplating the control of poppy cultivated exclusively for its seeds, the consequences should be clearly understood. Control at the cultivator level had already been discussed by the Conference at some length and in an important statement the Hungarian representative had explained in detail the difficulties which such control would entail. He himself had already stated that the Netherlands Government would be unable to apply such control, which would be impracticable on technical grounds and unjustified so far as the prevention of illicit traffic was concerned. The provisions suggested would make it impossible for the Netherlands to accede to the Convention, at any rate without reservations.

Mr. de BAGGIO (United States of America) suggested that the Committee could perhaps decide whether the principle stated in article 4 of the 1963 Protocol should be included in the Convention.

Mr. BANERJI (India), supporting that suggestion, said that paragraph (*a*) of Article 4 of the Protocol was divided into two sub-paragraphs, and it was the provisions of sub-paragraph (ii) that the Indian delegation would like to see included in the Convention. Those provisions went somewhat further than control from the manufacturing stage.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that the 1953 Conference had agreed that it was not possible to apply the same control measures to poppy straw as to opium, which was why it had confined itself to stating a general obligation. The third draft went further and dealt with poppy straw in the same way as opium. The question now was whether to revert to the 1953 provisions or to broaden them. To meet the objections of delegations which could not accept an absolute obligation for the control of poppy straw, perhaps a clause could be included in the new article, based on article 4 of the 1953 Protocol, providing that the Parties undertook to introduce such laws or regulations " as in their opinion are necessary ". In that way the positive obligation, stated in sub-paragraph (ii), to control the manufacture of narcotic substances from poppy straw would remain, but the exact measures to be taken would be left to the discretion of the various States.

Mr. NIKOLIC (Yugoslavia) said he supported the United States suggestion, but would like to see a clause added providing for the control of exports and imports of poppy straw under the system of export authorizations and import certificates.

Mr. KRUYSSE (Netherlands) said that sub-paragraph (ii) was acceptable to his delegation.

Mr. BANERJI (India) said that if it was understood that sub-paragraph (ii) of article 4 (*a*) of the 1953 Protocol would be re-introduced into the draft, his delegation had no further objection.

Mr. de BAGGIO (United States of America) said he accepted the Yugoslav amendment.

The CHAIRMAN suggested that provisions similar to those of article 4 of the 1953 Protocol should be introduced into the draft, with the addition of a clause expressly providing that imports and exports of poppy straw should be subject to the system of import certificates and export authorizations.

It was so agreed.

The CHAIRMAN suggested that the Committee now take a decision on the question whether poppy paste should be considered a narcotic substance and ncluded in one of the schedules.

Dr. MABILEAU (France) said that, having regard to the very clear definition of poppy paste given by the Technical Committee in document E/CONF.34/C.3/L.1 and subject to that definition, the French delegation had no objection to the inclusion of that substance in schedule I.

Mr. NIKOLIC (Yugoslavia) said that extract of poppy straw, or poppy paste, should be included in schedule 1. The Netherlands representative had proposed that it be dealt with in the same way as morphine, but he wished to point out that, being a raw material, it should be subject to the same control as opium.

Mr. KRUYSSE (Netherlands) explained that he had made the comparison with morphine only in order to make clear to the representative of India that poppy paste was a dangerous substance; he agreed that it was a raw material and should be dealt with in the same way as opium.

Mr. GREEN (United Kingdom) said he agreed that poppy paste should be included in the schedules. Although he had not yet been able to consult his technical adviser on the point, he assumed that poppy straw concentrate, item 3 in the list drawn up by the Technical Committee (E/CONF.34/C.3/L.1), was intended to include that substance.

The CHAIRMAN asked whether the representative of Yugoslavia meant only that poppy paste should be included in schedule I with opium, or whether he thought that it should be made subject to all the control measures specified for opium in articles 31 to 34 of the draft.

Mr. NIKOLIC (Yugoslavia) explained that all he was asking for was its inclusion with opium in schedule I.

Mr. BANERJI (India) said he thought it would be an advantage if poppy straw concentrate were not only included in schedule I but also, *ex abundante cautela*, made subject to the same control measures as opium, since, as had been mentioned, it was a raw material.

Mr. CHA (China) said he agreed that poppy straw concentrate, or poppy paste, should be included in schedule I.

Mr. GREEN (United Kingdom) asked what exactly was implied by the Indian suggestion and whether it meant that the control measures would be applied before manufacture, as in the case of opium. What would be the position with regard to international trade and stocks.

Mr. KRUYSSE (Netherlands) said that he too would like some clarification. Although poppy paste was an item in international trade, there was no separate item for it in the statistics of the Permanent Central Opium Board; it could only be lumped with morphine. But, as had been pointed out, it was a raw material, and thus different from morphine and closer to opium. Manufacturing countries imported not morphine but opium. When poppy paste was used as a substitute for opium, it should be dealt with in the same way. The only provisions which required that opium should be dealt with differently from other drugs were those concerned with stocks.

Mr. LANDE, Deputy Executive Secretary, said that if it were desired to control poppy paste in the same way as opium and not only in the manner provided for drugs listed in schedule I, the provisions of articles 31 to 34 of the third draft would have to apply to it. That would mean first, that countries which permitted the cultivation of the opium poppy for its straw, from which poppy paste was made, would have to establish national agencies with the monopoly functions mentioned in article 31; secondly, that under article 32, the number of countries exporting poppy paste would have to be limited; thirdly, that, under article 33, the maximum amounts of poppy paste which the Parties would be permitted to hold would have to be fixed, and would vary according to the different categories of country; and fourthly, that under article 34, provisions would have to be adopted concerning the destruction or other disposal of confiscated poppy paste, and would also vary according to the different categories of country.

Mr. BANERJI (India) said that when poppy paste was produced in a controlled factory, it was only an intermediate product used for the extraction of alkaloids and then of morphine or codeine; there was no such manufacture in India. But poppy straw could also be converted into poppy paste in the villages, on farms, where addicts themselves processed what could be considerable quantities. It was against the activities of such individuals that the Indian Government wished to be in a position to act, and that was why it attached great importance to control measures. He did not, however, wish to press the matter.

Mr. de BAGGIO (United States of America) said that the Deputy Executive Secretary had summed up the situation very aptly.

Mr. NIKOLIC (Yugoslavia) said he was grateful for the explanation by the Deputy Executive Secretary. He agreed with the Netherlands representative. His own delegation had always felt that poppy paste should be included in schedule I but should not be made subject to the same control measures as opium.

Dr. MABILEAU (France) said that the Deputy Executive Secretary had shown how impractical it would be to identify poppy concentrate too closely with opium. Actually, the concentrate contained 50 to 55 per cent of morphine and should therefore be dealt with in the same way as technical cocaine or technical morphine. But, as had already been pointed out, it was used in manufacture only as an intermediate raw material and therefore already came within the ambit of control. In his view, whenever a concentrate was mentioned, its equivalence in morphine should be given, since that was the only way of assessing its importance accurately.

Mr. VERTES (Hungary) said he agreed with the representative of France that it was essential to know the morphine content. The indiscriminate use of terms like " poppy straw concentrate ", " poppy paste " and " poppy extract " was confusing. It would be better to stick to the term " poppy concentrate ", which was the most suitable.

The CHAIRMAN suggested that it would be better to leave the choice of a single designation to the Technical Committee.

Mr. CURRAN (Canada) said it seemed that all the members of the Committee were agreed that poppy paste should be included in one of the schedules and be subject to the provisions applicable to the products listed in that schedule. As it was a kind of raw morphine, it should be dealt with in the same way as morphine.

Mr. KRUYSSE (Netherlands) said he did not share what appeared to be the view of the representatives of Canada and France that poppy paste could be looked upon as raw morphine. It was actually something quite different, having, in addition to a high morphine content, all the principal alkaloids of the poppy capsule.

Dr. MABILEAU (France) said he entirely agreed with the Netherlands representative on the technical aspect of the question. It was quite true that, in addition to its high morphine content, poppy paste contained a number of other alkaloids. He had only intended a rough comparison of poppy paste with technical morphine.

The CHAIRMAN suggested that poppy paste or concentrate be included in schedule I and made subject to the control measures applicable to the substances listed in that schedule.

It was so agreed.

The meeting rose at 5 p.m.

THIRD MEETING

Monday, 13 February 1961, at 10.55 a.m.

Chairman: Mr. KOCH (Denmark)
later: Mr. IGNACIO-PINTO (Dahomey)

Consideration of Articles 31-34 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.5/L.1-3) (*continued*)

Article 31 (National Opium agencies) (*continued*)

The CHAIRMAN suggested that, in the light of the agreement reached at the previous meeting, all references to poppy straw in articles 31-34 be deleted.

It was so agreed.

Mr. BANERJI (India) suggested that, since members required time to consult their Governments regarding the problems raised in articles 32 and 33, the Committee complete its discussion of article 31 and then pass on to article 34.

It was so agreed.

Mr. Ignacio-Pinto (Dahomey) took the Chair.

Mr. de BAGGIO (United States of America) said he had already mentioned his delegation's amendment to article 31 (E/CONF.34/C.5/L.1), at the Committee's first meeting. It had originally contemplated an amendment to article 51, designed to maintain in force article 1 of the 1912 International Opium Convention, in order to sustain the constitutional validity of a United States statute relating to control of opium production. The amendment to article 31 would obviate the necessity for the amendment of article 51.

Mr. NIKOLIC (Yugoslavia) said that he supported the United States amendment but wished to propose the deletion of the words " in its opinion " and the insertion of the words " or for any other reason " after the word " traffic ".

Mr. BANERJI (India) said that, since all references to poppy straw had now been deleted from articles 31-34, his delegation withdrew its amendment to article 31 (E/CONF.34/C.5/L.3).

He supported the United States amendment and had no objection to the amendment proposed by the Yugoslav representative, though he wondered whether it was appropriate, in an instrument whose main object was to combat the illicit traffic, to refer to " other reasons ".

Mr. de BAGGIO (United States of America) said he could accept both the amendments proposed by the Yugoslav representative.

Mr. CURRAN (Canada) said that he also supported the United States amendment. He suggested that the phrase " protecting the public health and welfare ", which appeared in paragraph 5 (*b*) of article 2 as recommended by the *ad hoc* committee on articles 2 and 3 (E/CONF.34/C.2/L.4), should be used instead of the phrase " preventing the diversion of drugs into the illicit traffic ".

Mr. de BAGGIO (United States of America) said he could accept the Canadian amendment.

Mr. CHA (China) said that the essential point was that the cultivation of the opium poppy should be brought under national control; the efficacy of the Convention would depend on the efforts of individual Governments. His delegation accordingly supported the United States amendment.

Mr. ACBA (Turkey) said he had no objection of principle to the United States amendment, which was less of an obligation than a recommendation. He doubted, however, whether such a provision was necessary at all in article 31 when the point was already covered by article 33.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that he had been prepared to accept the United States amendment as first proposed since it made it quite clear that it was for Governments to decide, in accordance with national conditions, whether prohibition of the cultivation of the opium poppy was desirable. The first Yugoslav amendment, however, completely altered the position and left it open to doubt who was to decide whether prohibition was the most suitable measure. He therefore felt that the matter should be given very careful consideration before a vote was taken.

Mr. TABIBI (Afghanistan) said that his delegation fully supported article 31, which accorded with Afghan law concerning the cultivation of the opium poppy, and also found the United States amendment sound, but considered, like the representative of the Soviet Union, that the first Yugoslav amendment raised an important question of principle. Parties must be able to decide for themselves whether or not to prohibit the cultivation of the opium poppy.

Mr. WIECZOREK (Poland) said that his delegation had been prepared to endorse the United States amendment as useful and realistic, but felt that the first Yugoslav amendment tended to obscure the meaning and create the possibility of varying interpretations.

Mr. NIKOLIC (Yugoslavia) explained that it had not been his desire to alter the substance of the United States amendment but merely to improve the drafting. Since it had given rise to objections, however, he would withdraw his first amendment, but maintain his second amendment, for the insertion of the words " or for any other reason ".

Mr. ASLAM (Pakistan) said that his delegation was ready to accept the system outlined in article 31, which agreed with the system already in force in Pakistan with regard to the cultivation of the opium poppy, and could also accept the United States amendment and the second Yugoslav amendment.

Mr. KRUYSSE (Netherlands) said while he was glad the representative of Yugoslavia had withdrawn his first amendment, he was not happy about the second one. " Or for any other reason " struck him as too vague a wording for inclusion in a convention specifically designed to cover all problems affecting the control of narcotic drugs. He was in principle in favour of the United States amendment.

Mr. GREEN (United Kingdom) said that he too was, in principle, in favour of the United States amendment and thought that the words " in its opinion " should be retained. He had doubts, however, about the words " or any other reason ", which the Yugoslav representative wanted to have inserted, because they made the statement in that provision so general as to be hardly worth including in the Convention.

Mr. KALINKIN (Union of Soviet Socialist Republics) and Mr. WIECZOREK (Poland) said that, with the withdrawal of the first Yugoslav amendment, their delegations could now vote for the United States amendment.

Mr. NIKOLIC (Yugoslavia) said that in view of the objections to his second amendment, he was prepared to accept, in place of that part of the United States amendment, the wording, " for protecting the public health and welfare ", quoted by the representative of Canada.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) observed that the United States amendment, with the expression " in its opinion ", introduced a certain elasticity into the matter of control of the cultivation of the opium poppy which might very well prove helpful in situations which could not at present be foreseen. The Committee might wish later to introduce a similar general clause in connexion with the control of the cultivation of the coca leaf and cannabis, and members should perhaps bear that in mind in choosing the phraseology to be used in the present paragraph.

Mr. TABIBI (Afghanistan) said that his delegation could now support the United States amendment as amended by the representative of Yugoslavia.

With regard to the important suggestion by the PCOB representative, consideration might be given to the possibility of inserting the paragraph proposed by the United States at some other place in the Convention so that it would apply to coca leaf and cannabis as well as opium. Alternatively, if it were incorporated in article 31, the report could mention that it should also apply to the other drugs.

Mr. YATES, Executive Secretary, said that either course would be feasible. It might be better, however, to postpone a decision until the subsequent clauses relating to coca leaf and cannabis had been considered, and any known elements determined.

Dr. MABILEAU (France) said it seemed to him that the Committee ought to vote on the principle of the United States amendment before deciding where the paragraph should be placed in the Convention.

Mr. CHA (China) said that his delegation had been ready to accept the United States amendment as first amended by Yugoslavia. But now that the Yugoslav representative had withdrawn his second amendment, the position had changed, for he (the Yugoslav representative) was now proposing the omission of any reference to the purpose of the provision, which was the prevention of diversion into the illicit traffic. The Chinese delegation would have had no objection to the inclusion of the phrase " or for any other reason ", but would have to oppose the entire amendment if all reference to the illicit traffic were omitted.

Mr. de BAGGIO (United States of America) said that everyone seemed to be agreed on the principle; it was only the wording that was giving trouble. In his opinion, the prevention of diversion into the illicit traffic was obviously covered by the wording " protection of the public health and welfare ". To make assurance doubly sure, however, he would propose that the text read:

> " 1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the opium poppy the most suitable measure, in its opinion, for preventing the diversion of drugs into the illicit traffic or for protecting the public health and welfare, the Party concerned shall use its best endeavours to prohibit such cultivation."

Since he understood that a procedural motion was required to bring the discussion to an end before a vote could be taken on that text, he formally moved that a vote be taken to decide whether or not his amendment be put to the vote immediately.

The CHAIRMAN put the procedural motion to the vote.

The motion was unanimously adopted.

The CHAIRMAN put the United States amendment, as amended in the wording read out by the United States representative, to the vote.

The United States amendment was unanimously adopted.

Mr. BANERJI (India) said he took it that the Committee was now discussing the rest of article 31. In that case there were two questions he would like to ask: first, whether it was necessary, in paragraph 2 (*d*), to qualify the noun " possession " by the adjective " physical " ? Was not " physical " possession implicit in " possession " ? Secondly, whether the specific time limit of four months in the same paragraph was really necessary ? There might be occasions when it would not be possible to take physical possession of crops within four months, especially in a large country where, owing to

floods for instance, remote areas might become inaccessible. However, those points could be left to the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) said he could not agree that those points could be left to the Drafting Committee. The term " physical possession " had legal implications and the four months provision was a question of substance. He would like to hear the views of the Chairman of the Drafting Committee on the matter.

Mr. HOSSICK (Canada), speaking as Chairman of the Drafting Committee, said he agreed that an important question of principle was involved. Omission of the word " physical " might leave the clause open to different interpretations for, in the common law countries at least, there was a distinction between physical and constructive possession. Constructive possession could mean that opium might be left in the hands of producers while subject to Government control.

As regards the " four months " time-limit, he agreed that the larger countries might encounter difficulties. It should be possible to provide for exceptional circumstances by inserting some such phrase as " or as soon as possible ", for the main purpose of the provision was to ensure that the agency would be responsible for assuming control over the opium as soon as practicable and that it should not be left in the hands of the producer for an indefinite period.

Mr. BANERJI (India) said that his delegation had no objection to the inclusion of the word " physical ", since in India physical possession was in fact taken, even before four months had elapsed.

Mr. NIKOLIC (Yugoslavia) said he was grateful to the Indian representative for agreeing to the inclusion of the word " physical ", since in Yugoslavia the term had the same legal implications as in Canada. His other problem might be solved by inserting a phrase such as " except in cases of *force majeure* " after the words " four months ".

Mr. KRUYSSE (Netherlands) said he saw no necessity for any amendment to the paragraph, since in abnormal circumstances it was always possible to make exceptions.

Mr. BANERJI (India) said his delegation would not press for any special provision but merely wished to make its position clear for the record.

Mr. HOSSICK (Canada) pointed out that the reference to " exporting " in paragraph 2 (*e*) would have to be considered in the light of whatever decision was taken concerning article 32.

Mr. KOCH (Denmark) pointed out that, with the adoption of the United States amendment, paragraph 1 might be interpreted as applying to any State which did not prohibit the cultivation of opium, whether it produced it or not. The paragraph should be amended to make it clear that it applied only to producing countries.

Mr. NIKOLIC (Yugoslavia) pointed out that, under the 1953 Protocol, any country could produce opium.

Mr. LANDE, Deputy Executive Secretary, said that it was very difficult to find treaty language which would cover exactly the situation in different countries. Prohibition of cultivation was achieved by different methods: in some countries by express prohibition, in others where there was a licensing requirement, by refusal to license. If paragraph 1 was interpreted reasonably, the latter countries would also be considered as having prohibited cultivation.

Mr. KOCH (Denmark) said that he would not press his proposal but would like to have his remarks recorded.

The meeting rose at 1 p.m.

FOURTH MEETING

Monday, 13 February 1961, at 3.15 p.m.

Chairman: Mr. IGNACIO-PINTO (Dahomey)

Consideration of Articles 31-34 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/L.2; E/CONF.34/C.5/L.1-4) (*continued*)

Article 31 (concluded)

The CHAIRMAN invited the Committee to conclude its discussion of article 31 and then pass on to article 34.

Mr. de BAGGIO (United States of America) suggested that the Committee vote on article 31 as a whole.

It was so agreed.

Mr. CURRAN (Canada) suggested that the Drafting Committee reconsider the word " exporting " in paragraph 2 (*e*), in the light of whatever decision might be taken concerning article 32.

It was so agreed.

The CHAIRMAN put article 31 to the vote as a whole, subject to drafting changes.

Article 31, as amended, was unanimously adopted.

Article 34 (Disposal of confiscated opium and poppy straw)

The CHAIRMAN invited the Committee to consider article 34, it having already been agreed to defer consideration of articles 32 and 33.

Mr. KADOTA (Japan) said that at the tenth plenary meeting his delegation had expressed the view that the restrictive provisions in paragraph 2 were excessive and impractical and should be amended so as to allow the manufacture of the drugs included in Schedule I, with the exception of those which appeared also in Schedule IV. Codeine, a drug listed in Schedule II, was manufactured from morphine, which was listed in Schedule I, and there was a large demand for codeine

in Japan. His delegation therefore urged that the manufacture of morphine also should be permitted under paragraph 2.

Mr. LIMB (Republic of Korea) said that his country totally prohibited the cultivation of any addiction-producing substances, and depended for its narcotics supply entirely on imports. He supported the view that paragraph 2 should be amended to permit Government use of confiscated opium for the manufacture of drugs listed in schedule I, as well as those listed in schedule II.

Mr. CURRAN (Canada) said he thought that the present wording of paragraph 2 already authorized Governments to use confiscated opium for the manufacture of drugs listed in schedule I, since the second part of the paragraph provided that a party might appropriate the confiscated opium, or the drugs manufactured therefrom, " for medical or scientific use ".

Mr. POSAYANONDA (Thailand) said that at the eleventh plenary meeting he had stressed his country's interest in the question of the disposal of confiscated opium. The ban on opium smoking in Thailand had meant a loss in revenue from the sale of confiscated opium of about six million dollars a year, and the export of confiscated opium would be some small compensation for that loss. Because of its geographical position on one of the main routes for the illicit traffic, Thailand had to spend large sums on preventive measures and the absence of revenue from the sale of confiscated opium might jeopardize his Government's enforcement programme.

Mr. GREEN (United Kingdom) said that there had appeared to be general agreement in the plenary meetings that the text should be amended to permit countries to dispose of confiscated opium licitly and to export it for medical and scientific uses. If that principle was accepted, the purpose of the article became very limited; for instance, it became unnecessary to distinguish between Parties on the authorized list of producers of opium for export and other Parties. In his view, the entire article could be deleted without impairing the control system.

Dr. MABILEAU (France) said that at the eleventh plenary meeting he had suggested that there was no need to demand systematic destruction of seized opium, and had proposed that it might be exchanged for medicaments or medical supplies but, since it appeared that exchange would be too complicated a procedure, he would not press that suggestion. He agreed that it was better to authorize the licit use of confiscated opium than to risk its return to the illicit traffic.

Mr. ASLAM (Pakistan) said he supported the United Kingdom proposal that article 34 be deleted, on the understanding that article 32 would be amended accordingly. It would then be possible for all States to make whatever use of confiscated opium they deemed best, for licit medical or scientific purposes.

U KYIN (Burma) said he shared the view of the representative of Pakistan. Each year his Government seized from two to five tons of opium in the illicit traffic and now had thirty-two tons of confiscated opium in hand. And as his Government intended, with the co-operation of the local authorities, to introduce stricter law in the Shan States, seizures could be expected to increase. The argument had been advanced that exports of confiscated opium would not be included in the estimates which Parties were required to transmit to the Board. But in view of the fact that paragraph 3 permitted countries authorized to produce opium to export confiscated opium, there seemed to be no reason why other countries should not do the same.

Mr. KALINKIN (Union of Soviet Socialist Republics) said he could not accept the principle embodied in the draft that confiscated opium should be destroyed because it was a dangerous product. Some countries preferred to destroy confiscated opium, whereas others chose to reprocess or to export it. The report of the PCOB afforded ample evidence of that fact. While it was logical and necessary to destroy a clandestine factory in which narcotic drugs were illicitly produced, there was no need to destroy confiscated opium, since it would be under the control of the Government and there would be no leakage possible. Whether the confiscated opium was exported or processed domestically, the rules of the international narcotics conventions would be observed. He therefore failed to see the necessity for the limitation on a Party's right to dispose of confiscated opium or for the complex procedure provided in article 34. He gave his full support to the United Kingdom proposal.

Mr. KRUYSSE (Netherlands) said that at the eleventh plenary meeting he had stated that he did not regard the present version of paragraph 2 as logical and had suggested that the words " listed in schedule II " should be deleted. But according to the Canadian representative's interpretation of paragraph 2, the words " listed in schedule II " were superfluous, since the second part of the paragraph permitted the use of confiscated opium for the manufacture of drugs listed in schedule I. Paragraph 2 was based on article 7, paragraph 2, of the 1953 Protocol and the drafters had added the words " listed in schedule II " in order to restrict the manufacture of confiscated opium to codeine. But it seemed that their text, in fact, permitted Parties to manufacture morphine as well.

Mr. BANERJI (India) said there appeared to be agreement on two principles: first, that Governments which confiscated opium should be allowed to use it, and secondly, that the export or domestic use of the confiscated opium must be for licit purposes. Those objectives could be attained by the deletion of article 34 and the amendment of article 32; that was essentially a drafting matter.

Mr. CURRAN (Canada) said that the Canadian authorities destroyed any seized heroin; no opium was seized in the illicit traffic. He thought, however, that the decision whether or not to destroy confiscated opium should be left to the Government concerned. If article 34 were retained, it should be combined with article 46; but in his view it could be deleted, for the reasons stated by the United Kingdom representative.

The Indian delegation's desire for an assurance that the confiscated opium would be used and exported licitly could be met in the drafting of article 46.

Mr. NIKOLIC (Yugoslavia) said he agreed with the Canadian representative that article 34 should be deleted and article 46 amended accordingly.

Mr. BANERJI (India) said that the Canadian representative's suggestion that article 46 be amended to ensure the licit use of confiscated opium was acceptable to his delegation.

Mr. AZARAKHSH (Iran) recalled that he had already spoken in the plenary meeting of his Government's decision to prohibit the production of opium. The policing of the illicit trade in opium was not an easy task; many people had to be employed, and rewards had to be paid. Under Iranian law the Government was required to export confiscated opium and use the proceeds of such sales for the treatment of addicts. His delegation considered that article 34 should be deleted, and the other problems referred to the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) asked that the United Kingdom proposal for the deletion of article 34 be put to the vote, on the understanding that the Drafting Committee would make the necessary amendments to article 46.

Mr. LIMB (Republic of Korea) said he had no objection to the deletion of article 34, provided the substance of the provision was incorporated in other articles of the Convention.

The CHAIRMAN invited the Committee to vote on the United Kingdom proposal that article 34 be deleted on the understanding that the Drafting Committee would make the necessary amendments to article 46.

The United Kingdom proposal was adopted by 24 votes to none, with 1 abstention.

Article 32 (Restrictions on the International Trade in Opium and Poppy Straw)

Article 33 (Limitation of stocks)

The CHAIRMAN asked the Committee whether it now wished to take up articles 32 and 33.

Mr. de BAGGIO (United States of America) proposed that, since the articles were very controversial and an important decision of principle was involved, they should be referred directly to the Conference in plenary meeting. That would avoid duplication of the debate and consequent waste of time.

Mr. BANERJI (India), opposing the United States proposal, said it was for the Committee to try to reach a compromise. In order to allow delegations time to consider their position, consult their Governments and study the amendments, he proposed that the Committee adjourn till Friday, 17 February.

Mr. KALINKIN (Union of Soviet Socialist Republics) supporting the Indian proposal, said that since the inclusion or exclusion of a closed list of producers would decide the future of the Convention, adequate time must be allowed for consultation.

Mr. WIECZOREK (Poland), Mr. NIKOLIC (Yugoslavia) and Mr. TABIBI (Afghanistan) also supported the Indian proposal.

Mr. CURRAN (Canada) said he wondered whether the Committee would be able to take such an important decision of principle, which was really only within the competence of the plenary meeting of the Conference.

After some further discussion, the CHAIRMAN put the United States proposal to the vote.

The United States proposal was rejected by 14 votes to 6, with 4 abstentions.

The CHAIRMAN put the Indian proposal to the vote.

The Indian proposal was adopted.

The meeting rose at 4.30 p.m.

FIFTH MEETING

Wednesday, 15 March 1961, at 10.40 a.m.

Chairman: Mr. KOCH (Denmark)

Consideration of Articles 32 and 33 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/13; E/CONF.34/C.5/L.2, 4, 5 and 6)

Article 32 (Restrictions on the international trade in opium and poppy straw)

The CHAIRMAN invited the Committee to consider article 32, discussion of which had been deferred at the previous meeting. A number of amendments to the article had been submitted, but only one of them was now before the Committee, the joint amendment by Australia, Brazil, Canada, Netherlands and the Philippines (E/CONF.34/C.5/L.6).

Mr. CURRAN (Canada) said that, although he was speaking on behalf of the authors of the joint amendment, which was a re-draft of article 32 (E/CONF.34/C.5/L.6), he wished to make it clear that the amendment was the outcome of long discussions with a number of delegations. It was thus an attempt to reconcile differing views. No one would dispute that the purpose of the Conference was to devise a system of control over narcotic drugs, and control over the production of opium was vital to the success of the future Convention. He also felt sure that no delegation would object to a form of control that took the position of its own country and that of others fairly into account. Of course, no compromise text could fully meet the wishes of all countries, but the joint amendment embodied as far as possible the various amendments that had already been circulated.

The discussions in the plenary meetings had centred mainly on the provision for a closed list of countries producing opium for export. That provision had been taken from the 1953 Protocol which was generally considered a poor compromise; in fact it had not yet come into force. Many countries had felt the provision to be monopolistic and had objected to its retention in the Single Convention. They had considered that other countries should be able to add their names to the list in the future and that a closed list was incompatible with the theory of a country's sovereign rights. In an attempt to avoid acrimonious debate, therefore, and to avoid omitting article 32 altogether, the authors of the joint amendment had tried to find a text which would provide for a measure of control without being too controversial. Failure to include in the Convention an article on the limitation of opium production would be tantamount to an admission by the Conference of its inability to work out an instrument for international narcotics control, for it was essential to provide for control over the production of certain drugs. Such control was even more necessary now that the world supply of opium could easily be met by a few producing countries. The development of synthetic drugs did not mean that control over opium production could be abolished. On the contrary, opium and its derivatives were largely responsible for the problem of illicit traffic, so that rigid controls were necessary both for the present and the future. So far, no country had successfully prevented smuggling, which constituted a universal threat, especially where the substance had a high value, could be easily secreted and caused great harm. Heroin was a case in point.

The first paragraph of the amendment was largely based on the Polish amendment (E/CONF.34/C.5/L.4). Substantially, it was a statement of intent, and since such general statements were very necessary, he strongly advocated its inclusion. Although it could have been included as a preamble, it had been thought preferable to give it the form of an obligation.

Paragraph 2 took account of two different types of situation. First, that of the small countries with a surplus of opium. The provision gave such countries an opportunity to dispose of that surplus, and established a procedure for notification to and approval by the Board. The latter would hardly be likely to withhold approval of applications to export made under that paragraph. However, the provision was not an open invitation to any country to start producing opium for export; besides, such a procedure would undoubtedly prove too costly where small quantities were involved. The second part of paragraph 2 provided machinery for countries wishing to produce opium on a larger scale.

Paragraph 3 recognized a factual situation and protected the right of countries which had produced opium for export in the past to continue to do so. It was designed to encourage additional countries to become Parties to the Convention, and not to deter them.

Paragraph 4 dealt with the importation of opium; its sub-paragraph (*b*) merely recognized a *de facto* situation that had been discussed at earlier meetings and provided for the continuation of existing trade relations.

As regards paragraph 5, sub-paragraph (i) was not a new provision but was implicit in article 31; it merely reinforced a country's right to cultivate opium for its own requirements. Sub-paragraph (ii) provided that a country which seized opium should be entitled to dispose of it as it wished. The present text of article 32 did not contain such a provision which, he considered, was necessary in order to provide an incentive for countries to effect seizures.

Mr. ANSLINGER (United States of America) said that since article 32 was the most important part of the Convention, it was essential to reach agreement on it. Attempts had been made to work out a compromise on the subject ever since the Conference had begun. The history of the provision in fact dated back to the Shanghai conference of 1909 on the limitation of opium production. The limitation of production had also been the main subject of discussion at the conference in 1912 and 1925. Further attempts had been made in 1931 and 1936 to introduce provisions limiting production. Unfortunately, the 1953 Protocol, on which the original text of article 32 was based, had never come into effect, although attempts had been made to bring the smaller countries into the arrangement.

The inconsistency in the attitude of various delegations towards limitation of opium production and limitation of manufacture was surprising, seeing that limitation of manufacture had been among the most successful achievements of the 1931 Convention. The Commission on Narcotic Drugs had also adopted resolutions regarding the need for limitation of production within a country. Unfortunately, there had not been a single producing country in which diversion of drugs had not occurred, although some countries had better controls than others, notably Yugoslavia and the USSR. Without a measure of control on the number of new countries entering production, there would be at least twenty-five ready to start producing opium for export. After the conclusion of the 1953 Protocol, a number of countries had requested support for their applications to become producers, but it had been pointed out that enough opium was already being produced. Moreover, in view of the need to limit the number of countries producing opium, the 1953 Protocol had been adopted unanimously. Japan, Switzerland and Germany, for example, had considered that, for humanitarian reasons, the amount of opium in circulation should be limited and that opium should, therefore, be imported only from the four main producing countries. The Netherlands had also felt that the Protocol filled an important need. To confine the production of opium to the four main producing countries was by no means monopolistic.

Since, therefore, attempts had been made for fifty years to limit the production of opium for export, and since the 1953 Protocol and Final Act had been adopted without a dissenting vote, it was strange that, within so short a time, a number of countries should wish to reverse that decision. Unless agreement was reached on the limitation of opium production, addiction would

double where it already existed and also spread to new countries. His delegation, therefore heartily supported the text proposed in the joint amendment (E/CONF.34/C.5/L.6).

Mr. KALINKIN (Union of Soviet Socialist Republics) said there were a number of points in the text proposed in the joint amendment which he would like to have clarified.

First, which countries would be covered by the definition in paragraph 3?

Secondly, as the PCOB met twice a year, it could be assumed by analogy that the new Board, which, under paragraph 2 (*a*), would be authorized to approve exports of opium in amounts not exceeding five tons, would also meet twice a year. Thus, if a country not covered by the definition in paragraph 3 wished to export one kilogramme or even one gramme of opium to another country, it might have to wait six months to secure the Board's approval, with the result that opium needed for medical purposes might not be available in time.

Thirdly, under paragraph 2 (*a*), a Party which desired to export opium in amounts not exceeding five tons annually had to secure the approval of the Board and, under paragraph 2 (*b*), a Party which desired to produce for export opium in amounts exceeding five tons annually had to secure the approval of the Council or of the General Assembly. Would such approval apply only to export or production in the year concerned, or would it extend automatically to export and production in subsequent years, and in the event of approval being automatically extended, would it remain applicable if the country did not export in a given year but did export in the following year?

Fourthly, at the eleventh plenary meeting the Canadian representative had said it would be illogical to provide for strict control of opium production without stopping countries from manufacturing opium alkaloids for exports. Would that illogical situation be continued in the text of article 32 proposed in the joint amendment? It was somewhat incongruous that the export of small quantities of opium should be limited while morphine was exported without restriction.

Fifthly, under paragraph 5 (ii), countries that desired to export seized opium apparently would not have to secure permission to export, but under paragraph 2 (*a*), countries that desired to export small quantities of opium would have to wait as long as six months for permission to do so.

Mr. CURRAN (Canada) said that the Soviet Union representative's first question could best be answered by the PCOB representative.

In reply to his second question, he said that the new Board, which was authorized under article 16 to adopt its rules of procedure and to meet as often as necessary for the proper discharge of its functions, would adopt rules in dealing with applications to export opium in amounts not exceeding five tons annually.

In reply to his third question, whether or not approval would be of a continuing character, it had certainly been the view of the authors of the joint amendment that the type of circumstance which would involve Board approval would not recur annually, although the approval might very well be of a continuing character. It was most unlikely that a country would continue to export such limited amounts of opium; however, if it did export such amounts annually, the position under the proposed text would be that, once it had secured approval, it would then be recognized as a legal exporter of five tons. Perhaps the Committee might wish to consider whether the provision required further clarification or restriction. His delegation had no strong views on the matters.

In reply to his fourth question, he said that the *ad hoc* Committee which was dealing with article 42 had not yet reached a final decision regarding the right of a drug-manufacturing country to export opium alkaloids but, as the United States representative had mentioned, the Convention provided for control at the manufacturing level, and a form of control through licensing of export of manufactured drugs was already implicit in the text of article 42.

In reply to his fifth question, he said that paragraph 5 (ii) was an attempt to meet the practical situation described by the representatives of Burma and Thailand. Obviously, the export of seized opium would be subject to the requirements for export-import authorizations, estimates and such like. The purpose of paragraph 5 (ii) was simply to establish that countries had the right to export seized opium legally; that was why it did not refer to the quantities that could be exported.

Mr. ATZENWILER (Permanent Central Opium Board) said that the countries which had exported opium during the ten years prior to 1 January 1961 were: Afghanistan, Bulgaria, India, Iran, Pakistan, Turkey, the Union of Soviet Socialist Republics and Yugoslavia. In addition, in 1960 the Union of Soviet Socialist Republics had reported the importation of eleven tons of opium from North Viet-Nam; the latter country had not reported the export of that opium, as it did not furnish statistics to the Board. There was, therefore, a question whether North Viet-Nam should be added to the list of exporting countries. The information he had given was based on the reports of the Board, but it might be necessary to obtain verification from Geneva.

The CHAIRMAN said that in his view paragraph 3 would cover any country that had exported opium in any one of the ten years prior to 1 January 1961, and not merely those countries which had consistently exported opium during that period.

Mr. KALINKIN (Union of Soviet Socialist Republics) said he did not think it necessary to apply to Geneva for information concerning producing and exporting countries, since the published reports of the PCOB would provide the correct figures. It was his understanding that the countries covered by paragraph 3 could be ascertained by reference to the PCOB reports.

Mr. ATZENWILER (Permanent Central Opium Board) said he was concerned lest the list he had given

might not be regarded as entirely accurate. For instance, during the ten-year period in question, Pakistan had exported eight kilogrammes of opium on one occasion and three kilogrammes on another; would a country which exported such small quantities be considered an exporter of opium? Again, in 1950 Viet-Nam had exported twenty-six kilogrammes, and Greece too had exported a few kilogrammes.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, in his opinion, paragraph 3 should be interpreted literally, so that a country that had produced and exported any quantity of opium, however small, during the ten-year period necessarily fell within its scope. With regard to Laos, Viet-Nam and Greece, since the ten-year period would begin in 1951, it would not cover exports in 1950.

Mr. ANSLINGER (United States of America) said that Greece had been included in the closed list of producers for export in article 32, paragraph 1 (*a*), of the third draft, because it had exported ten kilogrammes during the period under consideration. He agreed that a country would qualify as an exporting country under paragraph 3 regardless of the quantity of its exports during the period in question.

The USSR representative had expressed concern at the possible delay in obtaining authorization to export seized opium under paragraph 5 (ii). As a practical matter, the price asked by countries offering to sell seized opium was usually much higher than the world market price, and consequently it took a long time to arrange such sales. He personally knew of twenty-three tons of seized opium in one country, and seven tons in another, which had been for sale for the past five years. He did not think, therefore, that the fact that the Board might meet only twice a year to approve exports of amounts not exceeding five tons would place exporters of small amounts at a disadvantage as compared with exporters of seized opium.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, as he understood it, no country could at present export seized opium without complying with the rules laid down by the Board. Yet, under paragraph 5 (ii) of the joint amendment, a country would not be required to secure permission from the Board, the Council or the General Assembly in order to export seized opium. He feared that the complicated procedure set out in paragraph 2 (*a*) would have an adverse effect on the supply of opium, and that because of the delays involved in securing the Board's approval for the export of small quantities of opium, importing countries would turn to supplies of seized opium which they could secure without difficulty.

Mr. ASLAM (Pakistan) said that, although he realized that the joint amendment was the result of a sustained and painstaking effort on the part of the sponsors, it was not entirely satisfactory.

Although, according to the representative of the PCOB, Pakistan was among the exporting countries referred to in paragraph 3, that paragraph was unacceptable because it still contained a closed list of producing countries in a disguised form; the countries were not mentioned by name, that was all.

The position he had taken up was not theoretical. Experience had shown that the large producing countries, rather than the small countries, were usually the source of the opium that appeared in the illicit traffic. The crux of the matter was strong national control, which alone could prevent the accumulation of unnecessary stocks and the diversion of opium to the illicit traffic. It was discriminatory to place restrictions on countries that wished to produce small amounts of opium either for their own needs or for export.

It had been stated that if there were no such restrictions, there would be a rush to produce opium for export among countries that were not producers at present, but that was not true. It would not be ar economic proposition to start producing in order to export small quantities of opium.

The opium and alkaloids found in the illicit traffic came from countries where national controls were weak, rather than from the producing countries themselves. For instance, according to a recent news item from Hong Kong, enough morphine to meet the world's legitimate requirements for three years had been seized in a single police raid; it had come, not from a producing country, but from one where national controls were inefficient. If national control systems were efficient, there would be very little illicit traffic. There was therefore no need for restrictions and interference from outside. Furthermore, such measures implied distrust of the smaller countries, who were assumed to be powerless to control the illicit traffic. In reality, the smaller countries were unlikely to be interested in producing opium at all.

For those reasons, it would be better to adopt a suggestion made by the United Kingdom delegation at the eleventh plenary meeting, and delete article 32 altogether. No harm would be done by that, since the other provisions of the Convention were ample for the purpose of controlling the illicit traffic and keeping the production of narcotics within reasonable bounds. A more effective means of controlling the illicit traffic than the measures proposed in the joint amendment would be to provide countries with technical assistance to improve their control methods. He would support any formal proposal for the deletion of article 32 but would not press the matter if the majority were in favour of its retention in some form or other.

Mr. ATZENWILER (Permanent Central Opium Board) said that, although he had mentioned that Pakistan had exported eight kilogrammes and three kilogrammes of opium during the ten-year period mentioned in paragraph 3, the Board did not regard it as an exporting country, because during the same period it had imported fifteen tons of opium. It must therefore be considered an importing rather than an exporting country.

Mr. GREEN (United Kingdom) said that, although in the plenary meeting he had said that his delegation

favoured the deletion of article 32, he had also said that consideration should be given to the French proposals for substitute provisions. Since that time, it had considered the matter carefully in the light of the views expressed and now felt that the important thing was to avoid a clash between two diametrically opposed schools of thought. As many delegations attached very great importance to article 32, it would be better to attempt to arrive at a compromise text than to press for its deletion.

The text proposed in the joint amendment was just such a compromise. Because it was a compromise, it could not give entire satisfaction to the delegations whose views it attempted to meet, but it should be considered with a view to reaching agreement rather than from a critical angle.

There were two points about that text to which he would like to draw attention. First, it provided for different treatment for countries wishing to export small quantities of their own opium, and for countries wishing to export seized opium. It should be remembered that the critical stage, when there was the greatest danger of diversion, was that of cultivation and production. It was therefore reasonable to impose controls for exports of less than five tons, as that would discourage increased production. Seized opium, however, had already gone beyond that stage. The question that arose there was that of disposal. There was therefore a logical basis for the difference in treatment.

Secondly, some apprehension had been expressed about delay in the Board's approving applications to export small quantities of opium. Such apprehension was quite unfounded, for the Board was empowered to meet whenever necessary and its members could be consulted by telegram between sessions. Thus, if an application was likely to be approved, there would be no difficulty. If there was some doubt about the advisability of approving an application, that would be an exceptional case and the Board would doubtless wish to meet to discuss it.

The text was an attempt to reconcile many points of view and included amendments submitted by several delegations, including his own. If it was acceptable to the majority, he would support it.

Mr. MENEMENCIOGLU (Turkey) said that his delegation was ready to accept the compromise text, although it would have preferred something different. The joint amendment had the merit of meeting the views of certain delegations whose failure to agree might have wrecked the Conference. The Pakistan and USSR representatives had stressed the importance of national controls. There could be no doubt of their importance, but they were not, by themselves, sufficient; otherwise there would be no need for a Convention. Strong national controls together with international co-ordination were the key to success.

He endorsed the comments of the United Kingdom representative regarding the speed with which the Board could approve an application to export opium. Like other United Nations bodies, the Board could be consulted by telegram if necessary. Furthermore, as the Canadian representative had explained, a single application would entitle a country to continue exporting, so that it would not have to renew its application every year, provided that it complied with the provisions of the Convention. There was no danger of a six months' delay in the issue of a permit; that was certainly not the meaning of the text or the intention of its authors and would be quite contrary to normal United Nations procedure.

As the joint amendment seemed to meet the views of a substantial majority, the Turkish delegation would support it, subject to confirmation from its Government.

Mr. WARREN (Australia) said that his Government regarded article 32 as one of the most important in the Convention. It had been given careful study while his delegation was being briefed; the Australian Government had decided not to take any final stand until the article had been discussed at the Conference, subject only to the proviso that it could not accept an arbitrary limitation of the number of producing countries. He endorsed the remarks of the representative of Canada and was happy to support the joint amendment. He urged delegations to realize that if the Conference was to succeed, agreement must be reached in the near future.

Mr. BANERJI (India) said that, like many other delegations, the Indian delegation attached great importance to the question of limitation of the production of opium, as a corollary to restricting its use to scientific and medical purposes, through the estimate system. The original draft of article 32 had been taken from the 1953 Protocol, which thirty-eight countries had been prepared to accept, but the idea of limiting the production of opium was much older than that; it had, in fact, been a feature of the first conference, held at Shanghai in 1909. There was no question of infringing the sovereign rights of States or jeopardizing their economic independence; they would remain free to produce and even to export opium. However, unless production was closely related to licit consumption, there was always a danger of over-production, with the consequent risk of an increase in the illicit traffic.

The provisions of the joint amendment applied equally to all producing countries, great and small. It was a historical accident that certain Powers had so far been the big producers and it was therefore they that had evolved a system of control. The joint amendment should be envisaged as an acceptable solution which reflected, as far as possible, the views of all delegations. His delegation had no hesitation in supporting it, in a spirit of goodwill and compromise.

Mr. TABIBI (Afghanistan) said he concurred in the view that article 32 was one of the most important in the whole Convention. A similar article in the 1953 Protocol had been the cause of its failure; it was therefore vital that it should be so framed that the Convention would be a workable instrument. It would be a mistake for any delegation to strive to impose its own views, at the expense of the Convention; if partisan views prevailed, the Convention would never be ratified.

He urged all delegations to accept the text proposed in the joint amendment, in a spirit of compromise. It met many of the points that had been raised, it contained no list of producing countries, and it authorized countries to sell seized opium instead of destroying it. The only point which might still give rise to objections was one of small importance to his delegation, namely, whether countries exporting less than five tons of opium should or should not have to apply to the Board for its authorization. The point was relatively unimportant for, as the Pakistan representative had pointed out, no country would gear its economy to the export of five tons of opium. The investment required would greatly exceed the proceeds of the opium sales. Furthermore, such factors as climate, expense and experience would discourage countries from launching rashly into opium production. His delegation would be able to accept the text, whether the Conference decided that the Board's approval was required or not. He associated himself with the remarks of the Turkish and Indian representatives regarding the need for agreement in order to ensure the success of the Conference.

The meeting rose at 1 p.m.

SIXTH MEETING

Wednesday, 15 March 1961, at 3.5 p.m.

Chairman: Mr. KOCH (Denmark)

Consideration of Articles 32 and 33 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/13; E/CONF. 34/C.5/L.2, 4, 5 and 6) (*continued*)

Article 32 (Restrictions in the international trade in opium and poppy straw) (*continued*)

The CHAIRMAN invited the Committee to continue its discussion of article 32 and the joint amendment to it (E/CONF.34/C.5/L.6).

Dr. MABILEAU (France) said that he had already explained his delegation's position on article 32. Limitation of opium production was always desirable but confidence could be placed in the good sense of States, which would certainly not embark lightly on the production of so dangerous a substance. He wished to thank the authors of the joint amendment for the effort they had put into producing their compromise text. It was still open to criticism but only on points of detail, and his delegation would, therefore, support it and hope that other delegations would do the same.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, although many delegations claimed that article 32 was the most important in the Convention, he did not share that view. Article 32 was one of the articles which would perhaps never be applied. No State that was not producing opium had expressed a desire to produce it; on the contrary, two States that previously produced it had stopped production. Accordingly, his delegation proposed the deletion of the last two lines of paragraph 2 (*a*), which read " and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export," because it was not necessary for a Party to obtain the approval of the Board in order to export five tons of opium annually. As a consequential change, the words " which has furnished the necessary information " should be substituted for the words " which has received the approval of the Board ", in sub-paragraph 4 (*a*) (ii). The word " five " in brackets in paragraph 4 (*b*) should also be deleted.

Mr. RABASA (Mexico) said that, with its climatic and agricultural conditions, Mexico could be a producer of opium but had never wished to be. It was more concerned to organize an effective system of control which would bring the illicit traffic to a stop. That was why Mexico had signed all the international instruments concerning narcotic drugs, and its laws reflected that policy. His delegation accordingly supported the joint amendment.

Mr. WIECZOREK (Poland) said he did not share the view of those delegations which considered that article 32 was the heart of the Convention. It was much more important to increase control at the national level. The draft article 32 was vitiated because it contained a closed list of States which the majority of delegations could not approve; he was glad to note that the list did not appear in the joint amendment. The primary aim of limitation of production was to prevent over-production; that was the guiding principle which ought to govern all provisions concerning limitation of production. That had been the purpose of his own delegation's amendment (E/CONF.34/C.5/L.4), but since that principle had been incorporated in the text now before the Committee, he would not press for his own amendment to be put to the vote.

He congratulated the sponsors of the text, and particularly the Canadian delegation, on their conciliatory efforts. He supported the provision in paragraph 2 (*b*) since, if a country wished to export more than five tons, it was because it was a large producer, and there was therefore a risk of over-production. The case covered by paragraph 2 (*a*) was different, however. There was no reason why a country should have to comply with a complicated procedure in order to be allowed to export a small quantity of opium. He wondered, too, what criterion the Board would apply in deciding whether to approve or to discourage such exports. Lastly, a decision should be reached as to where in the Convention article 32 should be placed, so that attention should not be distracted from the real control measures which the Parties must take. His delegation supported the Soviet delegation's proposal that the last two lines of paragraph 2 (*a*) be deleted.

Mr. NIKOLIC (Yugoslavia) said he was grateful to the authors of the joint amendment (E/CONF.34/C.5/L.6) for their conciliatory efforts. In his opinion that compromise text had two aspects: a positive aspect, in that it provided a solution to a difficult problem, and a

negative aspect in that it could be interpreted as including or not including a closed list of States permitted to produce opium. But in the same accomodating spirit, his delegation would support it.

Mr. DANNER (Federal Republic of Germany) said that he too would support the compromise text.

U BA SEIN (Burma) said he wished to thank the authors of the new text, who had taken into account the interests of small countries. The question of seized opium was of direct concern to his Government, whose sole desire was to sell it licitly to other countries for their medical and scientific needs. Since paragraph 5 clearly indicated that that would be permitted, his delegation would support the proposed new text.

Mr. VERTES (Hungary) said that the joint amendment would be acceptable to him, subject to acceptance of the Soviet delegation's proposal.

Mr. ACBA (Turkey) said he too thought that the aim of the Convention was to prevent over-production. Production had therefore to be regulated. But the Board was the only body that could regulate it at the international level. Several delegations wanted to delete the last two lines of paragraph 2 (*a*) on the grounds that small States would export less than five tons and thus have no influence on world production. But if four or five small States each exported five tons, that would mean twenty tons; the provisions concerning the Board's approval should therefore be retained. Several delegations had also alleged that applying for the Board's approval was a complicated procedure. But the Board could reply within a very short time and there would only be difficulty if it had reason for not giving its approval. An exact definition of what constituted an exporting country should be given in paragraph 3. Lastly, with regard to paragraph 5 (ii), the Party should obtain the Board's opinion before exporting seized opium, if large quantities were involved, and await its approval before putting it on the world market.

Mr. AZARAKHSH (Iran) said that he had already stated his delegation's position in the plenary meeting. The essential purpose of any convention on narcotic drugs was to restrict production to the quantities needed for medical and scientific use. If production outran needs, addiction appeared. Article 32 was therefore extremely important. Although the joint amendment before the Committee could have been further amended, his delegation would support it in a spirit of international co-operation.

Mr. ASLAM (Pakistan) said that he was prepared to support the amendment proposed by the Soviet delegation, if the joint amendment was acceptable to the Committee.

Mr. CHA (China) said that his country, having ratified the 1953 Protocol, supported the text in the third draft but would join with the majority and support the joint amendment.

Mr. CHIKARAISHI (Japan) said that he was not wholly satisfied with the joint amendment and would have preferred a closed list of producing States to be approved. As the Pakistan representative had pointed out, the main consideration was that every country should be able to control narcotic drugs effectively. But under the new text now proposed, any country would be free to produce and export opium. Such a provision would do nothing to stamp out the illicit traffic. However, in view of the difficulty of reaching a compromise on article 32, his delegation would support the joint amendment.

The CHAIRMAN suggested that the joint amendment be put to the vote paragraph by paragraph.

It was so agreed.

Paragraph 1

Paragraph 1 was approved

Paragraph 2 (a)

The CHAIRMAN put to the vote the Soviet delegation's amendment for the deletion of the last two lines.

The Soviet Union amendment was rejected by 11 votes to 10, with 6 abstentions.

Paragraph 2 (a) was approved.

Paragraph 2 (b)

The CHAIRMAN asked whether the Committee wished to choose between the General Assembly and the Economic and Social Council as the body to be notified by Parties, or whether it would prefer merely to take a decision in principle and leave it to the Conference to choose.

Mr. CURRAN (Canada) said that the authors of the text had no preference. They had considered that the decision should be taken after the Committee or the Conference had heard the views of the Secretariat, which had more experience in the matter.

Mr. YATES, Executive Secretary, said that, as a general rule, questions within the competence of commissions or technical organs under the Economic and Social Council were referred first to the Council rather than to the General Assembly. Unless there were pressing reasons why that procedure should not be followed in the present case, the normal course would be to give the Council the power of decision.

The CHAIRMAN, speaking as the representative of Denmark, said that he too regarded the Council as the appropriate body. The question now was whether the Committee wished to decide the matter itself or just make a recommendation to the Conference.

Mr. GREEN (United Kingdom) said he agreed that Parties should notify the Council. The Committee could make a recommendation to the Conference accordingly.

Mr. ASLAM (Pakistan) said he too agreed with that view.

Mr. TABIBI (Afghanistan) said he preferred that Parties should notify the General Assembly. The mem-

bership of the Council was limited, and some countries not represented on it would have to send special delegations, which was an expensive business. In the General Assembly, on the other hand, it would be easy for a country to state its case, and what was more, to be heard by all Members of the United Nations. He was not, however, making a formal proposal.

The CHAIRMAN asked whether the Committee would agree to leave the decision to the Conference, on the understanding that the views expressed in the Committee would be recorded in its report.

It was so agreed.

Mr. ACBA (Turkey) proposed that, in the penultimate line, some such wording as " in agreement with the Board " or " on the advice of the Board " should be inserted between the word " shall " and the word " either "; needless to say, only an advisory opinion was involved.

Mr. BANERJI (India) said that the amendment seemed to him pointless, since the Council automatically consulted the Board,

Mr. YATES, Executive Secretary, said that the amendment was necessary if the intention was that the practice should be made compulsory.

The CHAIRMAN put to the vote the Turkish amendment to replace the word " shall ", in the penultimate line of paragraph 2 (*b*), by the words " may after consultation with the Board ".

The Turkish amendment was rejected by 8 votes to 8 with 11 abstentions.

Mr. RABASA (Mexico) said he was not clear what procedure would be followed with regard to paragraph 2 (*b*) when the Convention came to be signed. Since the purpose of the Conference was to prepare a complete document, he did not see how it could be signed if a provision covering an important point were left undecided and, in fact, made dependent on another body's decision. Perhaps a note to that effect should be inserted in the Convention. He wondered how cognizance would be taken of the resolution adopted by the Assembly or the Council after the signature of the Convention, and how it would be possible to make sure that all the signatories agreed. That was an important question, for it involved nothing less than a delegation of powers, and before countries signed the Convention they were entitled to know exactly what body would be competent.

Mr. WATTLES, Legal Adviser, said that it was reasonable to assume that the plenary Conference would have no difficulty in settling the question and that the General Assembly or the Council, as the case might be, would gladly accept the responsibilities conferred on it under the Convention. Furthermore, the Conference and the Assembly were sufficiently similar in composition for no difficulty to arise on that point.

Mr. RABASA (Mexico) said he agreed that, to all appearances, the problem he had mentioned would not arise unless the plenary Conference failed to settle the question.

Mr. CURRAN (Canada) said that the authors of the joint amendment had never intended to leave the question unresolved, but had considered it best to rely on the plenary Conference. But if that created problems, the Committee should decide forthwith to delete the reference to the General Assembly and make a recommendation to the Conference accordingly.

Mr. TABIBI (Afghanistan) said he must repeat that there was no reason why the Committee should choose the Council rather than the General Assembly. It was for the Parties themselves to notify the organ of their choice. He therefore proposed that the brackets around the words " General Assembly " be deleted, and the words " or the " inserted between " the General Assembly " and " Council ".

Mr. ASLAM (Pakistan) said that in his opinion the Committee should adopt the Canadian representative's proposal.

Dr. MABILEAU (France) and Mr. KRUYSSE (Netherlands) said they both agreed with that view.

Mr. NIKOLIC (Yugoslavia) said he saw no reason why the Committee should not leave the question to the plenary Conference, which would certainly reach a decision.

The CHAIRMAN put to the vote the Afghan representative's amendment that both organs should be mentioned and the words " or the " inserted between " the General Assembly " and " Council ".

The Afghan amendment was rejected by 10 votes to 2, with 15 abstentions.

The CHAIRMAN put to the vote the Canadian representative's amendment that the words " General Assembly ", or " G.A. ", should be deleted wherever they appeared in paragraph 2 (*b*).

The Canadian amendment was adopted by 13 votes to 1, with 15 abstentions.

Paragraph 2 (b), as thus amended, was approved.

Paragraph 3

Paragraph 3 was approved.

Paragraph 4 (a)

Mr. KALINKIN (Union of Soviet Socialist Republics) said that his delegation maintained its amendment for the deletion in sub-paragraph 4 (*a*) (ii) of the words " received the approval of the Board ", and their replacement by the words " furnished the necessary information ". His country's accession to the Convention would depend on the wording of article 32, which would be more readily acceptable if it left Governments entirely free to act as they saw fit on that point. Each Party would then be at liberty to accept or reject the Board's recommendation. Furthermore, if his amendment were adopted, article 32 would be entirely in harmony with article 22 and there would be no appreciable distinction between countries which were now producers and exporters and countries which might wish to resume exports, at any rate from time to time.

The CHAIRMAN put the Soviet amendment to the vote.

The Soviet amendment was rejected by 14 votes to 7, with 8 abstentions.

Mr. NIKOLIC (Yugoslavia) said that he had abstained from voting because he had voted for the deletion of the last two lines of paragraph 2, an amendment which had been rejected by the Committee.

Paragraph 4 (a) was approved.

Paragraph 4 (b)

Dr. MABILEAU (France) pointed out that the words " *aux fins d'exportation* " had crept into the second line of the French text of paragraph 4 (*b*), evidently by mistake.

The CHAIRMAN suggested that the Committee vote on the Soviet amendment to delete the word " five " in brackets in the third line of paragraph 4 (*b*).

Mr. CURRAN (Canada) said that he was quite prepared to accept that amendment.

The Soviet amendment was adopted.

Paragraph 4 (b), as thus amended, was approved.

Paragraph 5 (i)

Paragraph 5 (i) was approved.

Paragraph 5 (ii)

Mr. ACBA (Turkey) said he had already suggested that the prior approval of the Board should be obtained before large quantities of opium were placed on the market.

Mr. CURRAN (Canada) pointed out that, in the opinion of the authors of the joint amendment, that contingency was covered by the fact that the Parties would have to submit statistics and even supplementary estimates. The expression " in accordance with the requirements of this Convention " in fact referred to those provisions.

Mr. ACBA (Turkey) said that in the light of that explanation he would withdraw his suggestion.

Paragraph 5 (ii) was approved.

The CHAIRMAN then put to the vote the new text for article 32 as proposed in the joint amendment (E/CONF.34/C.5/L.6) and since amended by the Committee.

Article 32 as thus amended was approved by 19 votes to 7, with 3 abstentions.

Article 33 (Limitation of stocks)

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) pointed put that the reference to article 32 in paragraph 1 (*a*) would have to be deleted as the Committee had now adopted a different text for article 32.

The CHAIRMAN said that the Drafting Committee would deal with that point.

Mr. VERTES (Hungary) said that, during the debate on article 33 in the Commission on Narcotic Drugs, he had expressed the view that it was superfluous to include in the Convention a provision which impaired the right of a State freely to build up stocks. He therefore proposed the deletion of the article.

Mr. KRUYSSE (Netherlands) said that it would be very difficult for a Party to know exactly what quantities of raw materials it would need for a two-year period. Moreover, the Board would certainly have difficulty in studying the problem for factories throughout the world and in controlling the stocks of all factories; that should be a matter for the individual State. He was therefore inclined to support the Hungarian representative's proposal that the article be deleted.

Mr. NIKOLIC (Yugoslavia) and Mr. ACBA (Turkey) said that they also were in favour of deleting article 33.

Mr. RAJ (India) said that he had no definite opinion as to the precise level at which stocks should be fixed, but it was essential to know what the level was and to ensure that stocks would be used strictly for medical and scientific purposes. The article could certainly be simplified considerably by eliminating the details regarding the method of building up stocks. Rather than simply deleting the whole article, it might be better to express in general terms the idea that stocks should be maintained at a reasonable level both nationally and internationally.

Mr. CURRAN (Canada) said that the simplicity of the Hungarian representative's proposal was to be commended, particularly as article 33 was very complicated and raised many drafting problems. He would, however, like to hear the views of the representatives of the Secretariat and of PCOB before finally making up his mind.

Mr. ASLAM (Pakistan) said that the article should be deleted, unless the PCOB representative thought otherwise. He doubted whether the Indian representative's proposal, which merely expressed a pious hope, was of any practical value.

Mr. KRUYSSE (Netherlands) said that in his view articles 28 and 29 already provided a complete stock-control system which made article 33 superfluous.

Mr. YATES, Executive Secretary, said that article 5 of the 1953 Protocol contained provisions relating to the restriction of stocks with a view to limiting to medical and scientific needs the quantity of opium produced in the world. However, article 30 of the third draft imposed on the Parties the general obligation of limiting the production of drugs, including opium, exclusively to medical and scientific purposes, an obligation which did not exist in the 1953 text even with respect to opium. For that reason, and also because any limit laid down in a treaty would be likely to be higher than the stocks actually held for commercial reasons, the Secretariat for its part felt that an article on the limitation of stocks on the lines of article 33 was not of great value.

Mr. CURRAN (Canada) said that the explanations of the Netherlands representative and the Executive Secretary had removed his doubts.

The CHAIRMAN, speaking as the representative of Denmark, said that he had no very decided opinion on the point but would have liked to hear the views of the PCOB representative who unfortunately was unable to attend and would not be able to give the Board's views until a later meeting.

Dr. MABILEAU (France) said that the Committee should not take any decision until it knew the views of the PCOB representative.

Mr. CURRAN (Canada) said he thought the Committee could take a provisional vote, even though it might have to go back on its decision if the reasons given by the PCOB representative justified such a step.

Mr. BANERJI (India) said he wanted to be certain that articles 28 and 29 contained adequate guarantees against the building-up of excessive stocks before he took a decision on article 33, which seemed to him to be an essential corollary to article 32, particularly since the new wording of article 32 opened the gate to a larger number of producing and exporting countries.

Mr. NIKOLIC (Yugoslavia) proposed, and Mr. KRUYSSE (Netherlands) and Mr. RABASA (Mexico) supported, the proposal that the Committee take a vote on the understanding that its decision could be modified in the light of PCOB's view when the Committee's report was considered in plenary meeting.

Dr. MABILEAU (France) said that he would not oppose such a procedure, though he regretted that the Committee was unable to hear the Board's views before taking a decision. Its decision could not prevent the Indian representative from submitting an amendment in plenary meeting if he so desired.

The CHAIRMAN put to the vote the Hungarian proposal that article 33 be deleted provisionally.

The Hungarian proposal was adopted by 19 votes to 1, with 8 abstentions.

The CHAIRMAN declared that the Committee had now completed its allotted task.

The meeting rose at 5.20 p.m.

6. *Ad Hoc* Committee on Articles 35 to 38 of the Third Draft

FIRST MEETING

Tuesday, 14 February 1961, at 10.45 a.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Mr. CHIKARAISHI (Japan)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. KRUYSSE (Netherlands) proposed Mr. Chikaraishi (Japan).

Mr. de BAGGIO (United States of America), seconded and Dr. MABILEAU (France) and Mr. CURRAN (Canada) supported the proposal.

Mr. Chikaraishi (Japan) was elected Chairman by acclamation and took the Chair.

Consideration of Articles 35-38 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.5/L.1, E/CONF.34/C.7/L.1 and 2)

Article 35 (Restrictions on the cultivation or growing of the coca bush)

The CHAIRMAN said the Committee had been set up at the twelfth plenary meeting with instructions to consider the group of four articles, 35-38, which dealt with the coca bush. The United States had submitted two amendments, one to articles 36 and 37 (E/CONF.34/C.7/L.1) and the other to articles 37 and 38 (E/CONF.34/C.7/L.2).

Mr. de BAGGIO (United States of America) said that in his delegation's view, article 35 did not require any change.

With regard to articles 36 and 37, however, it was perhaps neither necessary nor desirable to impose the same control measures for the cultivation of the coca bush as for the cultivation of the poppy plant and crude opium. The United States had therefore submitted an amendment (E/CONF.34/C.7/L.1) whereby articles 36 and 37 would be replaced by a general statement to the effect that the production of coca leaves should be limited exclusively to medical, scientific and other legitimate purposes and that the General Assembly, after consultation with the producing countries, might adopt binding regulations for such control. That course seemed to offer a simpler method of imposing the necessary measures of control.

With regard to the second United States amendment (E/CONF.34/C.7/L.2), the proposed addition to paragraph 1 (*a*) of article 37 need not be considered if the first amendment to article 37 were adopted.

The proposed addition to paragraph 2 of article 38 was designed to obviate the need for sending in two separate estimates when the same coca leaves were used for the extraction of medicinal alkaloids and of the flavouring agent; one estimate could cover both.

Mr. MENDIZABAL (Bolivia) said that his delegation agreed in principle with article 35 and with the United States amendments to articles 36 and 37. It did, however, feel that some provision should be made in the Convention to allow chewing of coca leaves to continue for a certain time. In Bolivia, coca chewing was a long-established habit among the peasants. Possibly through the action of alkaloids on the saliva, coca chewing produced a substance which might or might not be narcotic but which had the effect of generating greater energy and capacity for work than could be obtained from the normally available food alone. The subject certainly called for further scientific study and at a later stage the Bolivian Government would be requesting some form of international co-operation. In the meantine, attempts were being made to eradicate the habit, but it would probably take twenty-five or thirty years to do so completely. He therefore hoped that the Convention would allow sufficient time for the problem to be tackled thoroughly.

His delegation had no objection to the United States amendment to article 38.

Mr. CURRAN (Canada) said that his delegation supported the United States amendments. While Canada was not directly affected by the problem, it recognized the need for adequate measures to deal with it. The United States amendment to article 31 on prohibition of the cultivation of the opium poppy (E/CONF.34/C.5/L.1) had already been adopted and it might perhaps be better to draft the corresponding clause in article 35 in the same language so as to achieve uniformity in the text. A separate article might subsequently be devised to cover both questions, but in the meantime he would suggest that co-ordination of the texts should be considered by the Drafting Committee.

Mr. de BAGGIO (United States of America) said he agreed that article 35 should be redrafted for purposes of uniformity.

Mr. BITTENCOURT (Brazil) said that, as he had stated in the plenary meeting, Brazil was one of the main victims of the increase in the illicit traffic in cocaine and coca leaves. The Brazilian delegation supported the United States amendments, which would introduce a flexible system of control and also took account of the fact that control over cultivation of the coca leaf must be different from control over cultivation of the opium poppy. His delegation hoped that the regulations to be adopted by the General Assembly in consultation with the producing countries would be as effective as those provided in articles 36 and 37 of the third draft. Brazil favoured a closed list of producers since, for the protection of other countries, production of the coca leaf should be kept as circumscribed as possible.

Dr. MABILEAU (France) said that there was no coca leaf addiction problem in France, but it had been interested in the conclusion of the international inquiry, that coca leaf chewing had harmful effects. It had also been interested in the remarks of the Peruvian Minister of Public Health to the Commission on Narcotic Drugs, stressing the dangers of addiction and indicating that if their dietary were improved, there was a good chance that the majority of the more recent coca chewing addicts would abandon the habit. The Bolivian representative had suggested that a period of twenty-five to thirty years would be needed to eradicate the habit, but that estimate had been given ten years ago. It was clearly essential to establish a definite time-limit for the eradication of coca chewing.

His delegation had no difficulty in accepting the United States amendments.

Mr. REYMOND (International Labour Organisasion) said that in its comments on article 56, paragraph 4 (*e*) concerning the coca leaf (E/CONF.34/1, p. 177, reference paragraph 397), his organisation had drawn particular attention to the practice in certain areas of South America of paying part of the wages of indigenous workers in the form of coca leaves; ILO Convention No. 95 of 1949 on the Protection of Wages provided that the payment of wages in the form of liquor of high alcoholic content or of noxious drugs could not be permitted in any circumstances, ILO Recommendation No. 104 of 1957, concerning indigenous populations, contained a similar provision. Article 30 of the draft Single Convention limited the distribution and use of drugs exclusively to medical and scientific purposes. The International Labour Organization would therefore be very glad if the Conference could request, possibly in the form of a resolution, that the necessary measures be taken to abolish the practice of paying wages in the form of coca leaves, within the time-limit mentioned in article 56.

Mr. MAURTUA (Peru) said that the provision contained in paragraph 1, which dealt with prohibition of the cultivation of the coca bush, should perhaps be co-ordinated with the United States amendment (E/CONF.34/C.5/L.1) to the corresponding provision governing the cultivation of the opium poppy.

Mr. LANDE, Deputy Executive Secretary, suggested that that was a matter which could be left to the Drafting Committee.

The CHAIRMAN suggested that article 35 be approved provisionally.

Article 35 was provisionally approved.

Article 36 (National coca leaf agencies)

Article 37 (Restrictions on the international trade in coca leaves and crude cocaine)

The CHAIRMAN invited the Committee to consider articles 36 and 37, which had already been discussed to some extent in connexion with article 35.

Mr. BITTENCOURT (Brazil) asked why Colombia was included in the United States amendment (E/CONF.34/C.7/L.1) among the countries which the General Assembly was to consult.

Mr. de BAGGIO (United States of America) said that Colombia was included because it had at one time been a producer of coca leaves, but he was prepared to delete it if desired.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that it might be inappropriate to mention the names of countries which the General Assembly should consult. The Convention would last for many years, world conditions might change, and the list of countries mentioned might become obsolete. It might, therefore, be better not to mention any country specifically but to use some such wording as " after consultation with coca-producing countries ".

Mr. KRUYSSE (Netherlands) said he supported the USSR suggestion.

Mr. MAURTUA (Peru) said he opposed the USSR suggestion because the object of the Convention was to restrict, not to promote, the cultivation of the coca bush.

He asked why the General Assembly and not the Economic and Social Council was mentioned in the United States amendment as the body which would adopt regulations for the control of the cultivation of the coca bush.

Mr. de BAGGIO (United States of America) said that the General Assembly had been chosen because it represented more countries and had a more stable composition than the Economic and Social Council.

Mr. LANDE, Deputy Executive Secretary, said that the Committee might propose to the Plenary Conference that Columbia should be omitted if the Secretariat established, after consulting the Columbian delegation, that that was the wish of the Colombian Government.

The CHAIRMAN suggested that, since the United States amendment (E/CONF.34/C.7/L.1) appeared to be generally acceptable, it might be adopted, subject to the deletion of the name Columbia, if that country, after consultation, so desired.

The United States amendment, replacing articles 36 and 37 by a single article, (E/CONF.34/C.7/L1.) was adopted.

Article 38 (Special provisions relating to coca leaves in general)

The CHAIRMAN invited the Committee to consider article 38 and the United States amendment to paragraph 2 (E/CONF.34/C.7/L.2).

Mr. KRUYSSE (Netherlands) said that he supported the United States amendment.

In reply to Mr. KALINKIN (Union of Soviet Socialist Republics), Mr. LANDE, Deputy Executive Secretary, explained that paragraph 1 of article 38 was prompted by the fact that the coca bush was cultivated not only as a source of drugs but also for a harmless purpose, namely, the production of a flavouring substance. The situation in that respect was similar to that of the poppy and cannabis plant, which were cultivated not for drugs alone but also for harmless culinary or industrial uses.

Mr. de BAGGIO (United States of America) said that the purpose of his amendment was to obviate the necessity of submitting two estimates for the same coca leaves.

The United States amendment (E/CONF.34/C.7/L.2), was adopted.

Article 38, as thus amended, was approved.

The meeting rose at 12 noon

SECOND MEETING

Friday, 17 March 1961, at 10.30. a.m.

Chairman: Mr. CHIKARAISHI (Japan)

Consideration of Articles 35 to 38 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/1 and Add.1-2; E/CONF. 34/10; E/CONF.34/C.7/L.1, L.2) (*continued*)

Articles 36 and 37 (resumed from the previous meeting)

The CHAIRMAN said that, at its twenty-second plenary meeting, the Conference had adopted article 35 and referred article 38 to the Drafting Committee, but had not accepted the text recommended by the Committee for articles 36 and 37 and had requested it to prepare a redraft based on the provisions of articles 36 and 37 of the third draft.

Mr. CURRAN (Canada) said that article 35, which provided for the prohibition of the cultivation of the coca bush if the Party concerned considered that that was the best method of protecting health and preventing the diversion of the leaves into the illicit traffic, and article 38, which dealt with the use of coca leaves for the preparation of a flavouring agent, had already been adopted by the Conference. All that now remained to be done was to provide for suitable control measures for the coca bush and leaves, which should be uniform with those applying to the other drugs covered by the Convention. In his view, articles 36 and 37 could be amalgamated in a single paragraph similar to the one relating to the opium poppy and he accordingly proposed the following text:

> " If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in article 31 respecting the control of the opium poppy."

That text should not raise any problems, as it met the wish expressed by many delegations to see that uniform provisions were adopted for cannabis, the opium poppy and the coca bush. It would permit adequate control, for if cultivation was permitted, exports would be subject to the controls laid down in the Convention

and there would be no danger of diversion to the illicit traffic; it also had the merit of simplicity.

Mr. ESTRELLA (Peru) said that his country's efforts to fight the illicit traffic and drug addiction on the international plane were well known, though they might sometimes be ignored or misrepresented. It could be said that his country had received a gift from Nature that was both good and bad, the coca bush; from it came a drug that could be used both for relieving pain and for developing addiction.

The coca bush did not grow all over Peru but only at certain altitudes and under certain climatic conditions. It had been grown since the time of the Incas and was one of the few cash crops cultivated by the Indians at the present time. An area of 15,600 hectares (39,000 acres) was devoted to it. The coca leaf was cultivated for three purposes, chewing, export and the manufacture of crude cocaine.

The first, chewing, was an ancient habit of the Indians and had not been artifically stimulated for commercial or other ends. They chewed coca leaves to allay the pangs of hunger and to help them endure physical effort. But the habit had its dangerous side, the risk of addiction with all its tragic results. That was why the alarm had been sounded by doctors and scientifics and the need for a gradual limitation of production and the establishement of controls had been stressed at international meetings. His Government was grateful for the warning and anxious to do all it could to co-operate with other countries in order to solve the problem.

The second purpose for which the coca bush was cultivated in Peru was the export of coca leaves. The amount exported was very small in relation to total production. In 1959, it had been just under 170 kilogrammes, of which the United States had purchased 136, the remainder going to Japan, the United Kingdom, France, Italy, the Netherlands and Venezuela.

The third purpose was the manufacture of crude cocaine. That was a young industry in Peru and production was still very small, having amounted to only 450 kilogrammes in 1959. The whole of that quantity had been sold on the European market.

As it had show by its actions, the Peruvian Government was anxious to co-operate with other countries in the control of narcotic drugs. The chewing habit was a local problem, of direct concern only to Peru and Bolivia, for the number of persons who chewed coca leaf was very small compared with the total world population. The real danger was cocaine, because of its addiction-producing properties. Although drug addiction had never been a problem in Peru, and control presented very great problems, his country had, after deep reflection, decided that it did not wish to be included in the list of importing and exporting countries in paragraph 1 (*a*) of article 37 of the third draft. But even before taking that decision, his country had adopted control measures which were almost identical with those laid down in article 36. There was already a national coca leaf agency, (Estanco de la Coca), responsible for supervising the cultivation, collection, distribution, consumption and export of coca leaves. The bush was cultivated under licence and only the national agency was permitted to export the leaves. Cocaine was manufactured in a government laboratory and there were heavy penalties for illicit traffickers.

Nevertheless, his Government was quite unable to accept paragraph 2 (*d*) of article 36 in the third draft. There were 14,000 cultivators of the coca bush and nearly 12,000 persons were concerned with the trade in coca leaves. It was therefore a practical impossibility to require all cultivators to deliver their crops to the agency, particularly as the areas where the bush was cultivated were isolated and difficult of access. The second sentence of that paragraph, which required the agency to purchase and take physical possession of the crops not later than one month after the end of the harvest, was equally unacceptable. That could not be done in Peru and his Government could accept the provision only if the words " but not later than one month after the end of the harvest " were deleted.

The text proposed by the Canadian representative was acceptable in principle, as it did not conflict with Peruvian legislation, but there must be no question of a time-limit for the agency's taking possession of the crop. If such a time-limit were included, his Government would be compelled to make a reservation when it signed the Convention.

Mr. CURRAN (Canada) pointed out that the time-limit specified in the corresponding provision relating to opium in article 31 was " as soon as possible, but not later than four months after the end of the harvest ".

Mr. ESTRELLA (Peru) said that his Government would have just as much difficulty in complying with a four month as with a one month time-limit. In fact, it could not accept any limit-time at all.

Mr. de BAGGIO (United States of America) said that his delegation could have accepted articles 36 and 37 as they stood but was willing to support the Canadian text, provided that it was to replace article 36 only. The United States had always advocated the strict control of opium and coca leaves and if article 37 were deleted, it would have to abstain on the Canadian text.

Mr. CURRAN (Canada) said that the United States representative's point could be met by the addition of some simple phrase such as " Parties shall not permit the import or export of the coca bush or crude cocaine from countries not specified during a certain period as exporting countries ". That would make it unnecessary to name the countries, which all delegations felt to be desirable.

Mr. de BAGGIO (United States of America) said that his delegation could accept the wording proposed by the Canadian representative if it were approved by the Committee.

Mr. CURRAN (Canada) said that he had submitted his text in an endeavour to facilitate the work of the

Committee and certainly with no intention of trying to lay obligations on the Parties which they could not fulfil. He would not press the question of a time-limit if it was impossible for the Parties to comply with it, but he could not believe that it was impossible to comply with an obligation to take possession of the crop " as soon as possible ". The important point was not the time-limit but the obligation to take possession of the crop. That obligation, he felt, must be stated in terms if control was to be assured and diversion to the illicit traffic prevented.

Mr. ESTRELLA (Peru) said that some such wording as " as soon as possible " or " within the shortest possible time " would be acceptable to him.

Mr. CURRAN (Canada) said that article 31 had not yet been formally adopted by the Conference in plenary meeting so that the final decision on the time-limit for the collection of the crop was still pending. If the plenary meeting decided not to include the " four months " provision, there would be no problem. If, on the other hand, it decided to include the provision, he proposed that the Committee note the fact in its report and, in view of the difficulties raised by such a provision in the case of the coca bush and coca leaves, suggest the substitution, in the text recommended, of the less restrictive phrase " as soon as possible ".

Mr. BARONA (Mexico) said he supported that proposal.

Mr. LANDE, Deputy Executive Secretary, said that there were three basic issues before the Committee. The first was the proposal by the representative of Canada, which should, on the whole, prove uncontroversial. It involved a decision as to whether the provisions of article 31, except the four months time limit, should apply to the coca bush and coca leaves. The second, which might give rise to some controversy and on which a separate vote might be required, was essentially whether article 37, limiting the number of countries authorized to produce coca leaves and crude cocaine for export, should be retained. The countries concerned would not be listed by name but identified indirectly. The third was whether, if it decided to adopt a provision limiting the number of countries permitted to produce coca leaves and cocaine for export, the Committee wished to insert a clause enabling the Economic and Social Council to add other countries to the list in case of need.

Mr. KALINKIN (Union of Soviet Socialist Republics) said it would be unfortunate if a formal proposal for article 36 were approved without the Committee having had sufficient time to reach an acceptable compromise on article 37. Although the USSR had no direct economic interests at stake, since it did not import cocaine, it found the article unacceptable in principle and feared that its inclusion in the Convention would not be of material assistance in curbing the illicit traffic. At the previous meeting, a United States amendment (E/CONF.34/C.7/L.1) had been unanimously adopted which provided that the future control regulations should be binding only upon each Party which did not reject them by a notification addressed to the Secretary-General within a year from the date of their adoption by the General Assembly; he hoped that, in considering any formal proposal to include article 37 in some modified form, due account would be taken of that amendment. The Committee should also avoid any decision that would prevent new countries from being added to the list of those permitted to produce coca for export, as such a decision might prevent the Convention from becoming universal.

The CHAIRMAN pointed out that the United States amendment, which had been unanimously adopted by the Committee at its first meeting, had been rejected in the plenary meeting of the Conference, and was, therefore, no longer before the Committee.

Mr. LANDE, Deputy Executive Secretary, said he understood that the United States delegations had not formally proposed that the provisions of article 37 should be retained, but had only stated its views for the record. He asked whether the representative of Canada intended to make a formal proposal to that effect.

Mr. CURRAN (Canada) said that he had no formal proposal to make concerning the provisions of article 37. He had proposed replacing both articles 36 and 37 by a new text which made reference to article 31, and had thought that the question of export and import would be covered by the remaining provisions of the Convention. However, if the Committe felt that the Canadian text should only replace article 36 and would prefer a separate vote on whether it should also replace article 37, or if it wished to consider any other proposals, he would have no objection.

Mr. KRUYSSE (Netherlands) formally proposed that the Committee vote first on whether the Canadian text should replace article 36 and then on whether it should also replace article 37.

Dr. MABILEAU (France) seconded and Mr. CURRAN (Canada) supported the Netherlands proposal.

The Netherlands proposal was adopted.

It was decided by 13 votes to none, with 1 abstention, to recommend that the Canadian text should replace article 36.

It was decided by 6 votes to 5, with 1 abstention, to recommend that the Canadian text should also replace article 37.

The CHAIRMAN said that the Committee had now completed its task.

The meeting rose at 12.20. p.m.

7. *Ad Hoc* Committee on Article 39 of the Third Draft

FIRST MEETING

Tuesday, 21 February 1961, at 3.15 p.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Mr. GRINBERG (Bulgaria)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. BUKOWSKI (Poland) proposed Mr. Grinberg (Bulgaria).

U TIN MAUNG (Burma) seconded and Mr. CURRAN (Canada), Mr. VERTES (Hungary), Mr. BITTENCOURT (Brazil), Mr. BANERJI (India), Dr. MABILEAU (France), Mr. NIKOLIC (Yugoslavia) and Mr. KRUYSSE (Netherlands) supported the proposal.

Mr. Grinberg (Bulgaria) was elected Chairman by acclamation and took the Chair.

Consideration of Article 39 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-2; E/CONF.34/C.8/L.1)

Article 39 (Prohibition of Cannabis)

The CHAIRMAN said that the Committee had been set up at the thirteenth plenary meeting with instructions to consider article 39. An amendment to the article (E/CONF.34/C.8/L.1), which amounted to a simplified redraft, contingent on the adoption of articles 2 and 3 as recommended by the relevant *ad hoc* Committee, had been submitted by Canada and the United Kingdom.

Mr. CURRAN (Canada) said he wished to draw attention to an error in the last line of the explanatory paragraph which followed the joint amendment and which read: " The foregoing proposal is based on the assumption that cannabis and cannabis resin are included in Schedule IV and that the definition of cannabis does not include the leaves of the plant ". The error was the inclusion of the word " not ". When the text had been drafted, its authors had expected that the report of the Technical Committee would be available and that its definition of cannabis would include the leaves. If the definition of cannabis did not include the leaves, there would be difficulty in countries where the leaves were a source of illicit traffic and the text of the draft amendment would have to be modified to take account of the situation of those countries.

Mr. GREEN (United Kingdom), speaking as a co-author of the amendment, said that, as he had stated at the thirteenth plenary meeting, his Government was opposed to the inclusion of a mandatory prohibition of cannabis in the text of the Convention, since that would mean that the prohibition could not be removed without an amendment of the Convention itself. Under the present text of article 39, it would be impossible to use cannabis, even for desirable purposes. If cannabis, including the leaves, and cannabis resin were included in Schedule IV, Governments would be free to take what steps they wished with regard to prohibiting the use of cannabis. The amendment would provide a flexible and, he hoped, a generally acceptable solution.

He was not in favour of the total prohibition of cannabis, but that did not mean that he did not appreciate the dangers of the illicit traffic in cannabis and the problems faced by such countries as the United Arab Republic, Ghana and Brazil. Prohibition would not solve their problems, however, for the cannabis moving in the illicit traffic came not from licit cultivation but from illicit cultivation and wild growth. The solution obviously was for national authorities to take whatever steps were necessary to prevent the illicit cultivation of cannabis and wild cannabis from finding its way into the illicit traffic. By placing cannabis in Schedule IV, the Conference would be showing Governments that it considered that strong action should be taken.

Mr. BANERJI (India) said that he was in general agreement with the text proposed by Canada and the United Kingdom, but it did not go quite far enough. In particular, it provided no solution for a domestic problem in his country involving the use of cannabis leaves. There were three parts of the plant to be considered, the resin, the flowering tops and the leaves. The resin, which could be used for the manufacture of addiction-producing substances, was an unmitigated evil. He would like to see a mandatory prohibition applied to it but he was willing to agree to its being placed in Schedule IV, as that would enable national authorities to prohibit if it they so wished. The flowering tops were equally noxious and should, in his view, be placed in Schedule I; however, there again, he was prepared to agree to their inclusion in Schedule IV, for the same reasons as in the case of resin.

The leaves, however, were another matter. They were, in fact, far less harmful than alcohol and were used by the poorer people in India to make a mildly intoxicating drink or as a substitute for analgesics and tranquillizers. There was no risk of addiction as they contained hardly any narcotic substance. The Indian Government was taking steps to eradicate the habit of using cannabis leaves, but alternative drugs, imported from abroad, were expensive and traditional habits died hard. The leaves were also used in indigenous medicine in India. Even though progress was being made in developing drugs derived from other indigenous plants, such as *rawolfia serpentina*, cannabis leaves would continue to be a stand-by for many years to come.

In the circumstances, it was unnecessary to treat the leaves in the same way as the resin and the flowering tops, and he could accept paragraph 1 of the amendment, in so far as it applied to the resin and the flowering tops, but a different treatment should be specified for the leaves. He therefore proposed the addition at the end of that paragraph, of the words " and if only for leaves, the system of controls envisaged in articles 35 to 38 regarding coca leaves ".

Mr. ASLAM (Pakistan) said that cannabis leaves were used in Pakistan in exactly the same way as in India. He therefore strongly supported the Indian amendment.

Mr. VERTES (Hungary) said he supported the joint amendment (E/CONF.34/C.8/L.1). In article 39 of the third draft, cannabis was considered only as a source of addiction-producing substances, but in the countries where it was cultivated for fibre and seeds, no attempt had ever been made to extract the narcotic substances from it. In any event, the variety of cannabis grown for industrial purposes in some European countries contained little or no narcotic substances. Such substances were to be found in the cannabis cultivated for the illicit traffic and in wild cannabis, but there had never been any illicit traffic in or abuse of cannabis in Hungary.

Furthermore, the present text of article 39 would lead to great difficulties for the countries which now cultivated cannabis for industrial purposes. For one thing, its cultivation was so wide-spread that it would be practically impossible to inspect the crops and decide which were being cultivated for industrial and which for illicit purposes. Cannabis cultivated as an industrial crop had an important place in his country's economy. It had been cultivated for its fibre for more than a thousand years and the manufacture of textiles and rope from it had been a flourishing industry for at least two hundred years. The variety of cannabis cultivated in Hungary had been imported from Italy and, as the Italian Government had pointed out in its comments (E/CONF.34/1, p. 41), it contained no narcotic substances. The Italian Government had stated that, for that reason, it could not agree to subject the cultivation of the cannabis plant to specific control measures. The situation was the same in his country. The research work on the plant being done in special laboratories in Hungary and now nearly completed had shown that it contained little or no addiction-producing substance.

Article 39 should therefore be applied only to cannabis cultivated for illicit purposes and to wild cannabis. Paragraph 2 of the joint amendment made that point perfectly clear.

Mr. KRUYSSE (Netherlands) said he had already stated at the thirteenth plenary meeting that, as extracts and tinctures of cannabis were used for medical purposes in the Netherlands and there had never been any sign of abuse, he was opposed to the total prohibition of cannabis. He was, however, quite willing for it to be placed in Schedule IV.

His first reaction to the joint amendment was favourable, but he had some difficulty with regard to paragraph 2 which did not exclude from control the use of cannabis in horticulture. In the Netherlands, cannabis was planted as a windbreak for gardens. He suggested, therefore, that paragraph 2 should be amended to provide for such use.

With regard to the Indian representative's remarks, although it could be assumed that the leaves of the cannabis plant did not contain enough addiction-producing substance to make them liable to abuse, he was not convinced that they should be exempt from all control; a milder regime than for the resin and flowering tops would be more appropriate. If the provisions of article 39, paragraph 3, were made applicable to them, countries which had an illicit traffic problem would be able to prosecute persons found in the possession of leaves or other parts of the cannabis plant.

Mr. NOURELDINE (United Arab Republic) said that the illicit cultivation of cannabis was a great problem in his country, where possession or use of any part of the plant were strictly forbidden. However, he agreed that the Indian proposal regarding separate treatment for the leaves might be included in the Convention.

Mr. BANERJI (India), replying to the Netherlands representative's remarks, said that he was not proposing that the leaves of the cannabis plant should be exempt from all form of control; all he wanted was a less severe system of control which would allow for the uses he had mentioned. Like the Netherlands, India used some cannabis preparations for medical purposes, but he did not think that paragraph 3 of the draft would cover the other use he had mentioned, namely, the preparation of a mildly intoxicating drink.

Mr. JOHNSON (Liberia) said that when the article had been considered in the plenary meeting he had reserved the right to suggest in the *ad hoc* Committee that cannabis should be subject to stricter control, similar to that provided in article 31 for opium. Some delegations had taken the opposite view, and it seemed to him that an acceptable compromise was provided by the joint amendment which he would therefore support.

Mr. ADJEPONG (Ghana) said that, as he had indicated in the plenary meeting, the success of his Government's efforts to stamp out cannabis addiction depended on control in other countries; he trusted that other Governments faced with the same problem would agree with that view. The effects of cannabis were admittedly not the same as those of heroin and morphine, but cannabis presented a graver problem because it could be used in the form of a raw material and no complicated manufacturing process was required. The Drafting Committee should be asked to redraft the article so as to provide for more rigid control similar to that over poppy straw.

Mr. VERTES (Hungary) said that, in the light of the Indian representative's explanation, he could agree that control of cannabis leaves should be less strict than that for the flowering tops and the resin, since

the leaves contained considerably less addiction-producing substance. The definition in article 1, which had been approved by the Technical Committee, included the leaves, and the Drafting Committee should be asked to draw up a text which would provide for some control over the leaves, but less strict than that envisaged in the present text.

Dr. MABILEAU (France) said that his delegation had no objection to the joint amendment. France prohibited the use of cannabis for any purpose, and accepted the view of WHO that it had no therapeutic value. If he had understood the Indian representative correctly, the consumption of concoctions made from cannabis leaves was a deeply rooted habit which would take many years to stamp out, like the chewing of coca leaves; it would be possible for the Indian Government to make a reservation under article 56. With regard to the time-limit which still had to be inserted in paragraph 4 (*f*) of that article, he asked the Indian representative if he could give any indication of when the consumption of infusions of cannabis leaves could be prohibited.

Mr. BANERJI (India) said that many of the delegations present were familiar only with the addiction-producing products of the cannabis plant which were found in the illicit traffic. Cannabis leaves were used in India either as a flavouring ingredient in a soft drink which was taken only during the heat of the summer or to make a rather stronger concoction with a slightly intoxicating effect; in neither case was there any risk of addiction.

India believed as a matter of policy in the prohibition of socially harmful substances. But the consumption of cannabis leaf concoctions presented no social problem and the Indian Government felt that it could not afford the expense of combating a relatively harmless habit. Cannabis resin had been prohibited in India, and the tops were subject to control; the only illicit consumption was by religious recluses living in remote areas. The maximum amount of cannabis leaves which any person was allowed to possess at one time was one ounce. If prohibition was instituted, the vacuum would inevitably be filled from a neighbouring country which was not represented at the present Conference, and a black market would be created.

It was for those reasons that he had proposed that cannabis leaves should be subject to the same system of control as the coca bush. His delegation would like such a provision written into the article, but if that proposal were not accepted, his Government would make a reservation, and urge that the time-limit in article 56, paragraph 4 (*f*), should be at least twenty-five years, the period specified for coca leaf chewing in paragraph 4 (*e*). His Government would not however, wish to commit itself to such a time-limit, since it held that cannabis leaves were less harmful than coca leaves.

Mr. ZOLLNER (Dahomey) said that in general he supported the draft article, but in the light of the Indian representative's explanation, would have no objection to cannabis leaves being made subject to the same controls as the coca bush. With regard to paragraph 2 of the joint amendment, he had understood during the discussion in plenary that, if the definitions remained as drafted in article 1, the Convention would not apply to the cultivation of the cannabis plant for industrial purposes. In that case the paragraph was superfluous.

Mr. GREEN (United Kingdom) said that the view stated by the representative of Dahomey was correct. Paragraph 2 had been included to meet the desire expressed by some representatives in the plenary meeting that the article should contain a clear statement on the point. A consequential amendment to the definition of cannabis in article 1 might now be necessary.

Mr. LANDE, Deputy Executive Secretary, said he wished to draw the attention of the Indian representative to the fact that, in the draft, coca leaves were listed in Schedule I and would therefore be subject to the same control as morphine, so that the Indian proposal would not in fact place cannabis leaves under a lenient regime.

If cannabis leaves were not covered by the Convention, no country would, of course, be prevented from taking measures at the national level against any person in unauthorized possession of them.

Mr. NIKOLIC (Yugoslavia) said he supported the joint amendment, which took account the observations he had made in the thirteenth plenary meeting.

Mr. VAN NIEUWENBORG (Congo, Leopoldville) asked what measures were taken in India to prevent the smoking of cannabis leaves.

Mr. BANERJI (India) replied that no case of the smoking of cannabis leaves had come to the notice of the authorities; the leaves, unlike the flowering tops, were unsuitable for smoking since they were green and burned very quickly if they were dried. The dry leaf was used only for making concoctions.

Mr. BITTENCOURT (Brazil) said that his delegation favoured control of cannabis; he had already described at the thirteenth plenary meeting the strict control to which the cannabis plant was subject in Brazil. He supported the joint amendment, but thought it would be better if the principle reflected in paragraph 1 were the general principle contained in article 30, namely, that the production of cannabis should be restricted to medical and scientific purposes. But since a suggestion had been made at the twenty-second plenary meeting concerning the control of cultivation of the coca bush with a view to limiting the production of leaves exclusively to medical, scientific and other legitimate purposes, he could agree with the views of the Indian representative regarding a milder control for cannabis leaves, because he felt that that case should come under the expression " other legitimate purposes ". It was his country's experience that cannabis addicts preferred to smoke the tops rather than the leaves.

Mr. CURRAN (Canada) said that the inclusion of a reference to article 30 would not remove the Indian

delegation's difficulties, since the use of cannabis leaves as a flavouring agent in a soft drink could not be considered as covered by the expression " medical and scientific purposes ". In the light of the discussion so far, it seemed clear that a formula was needed which would cover that social, but legitimate, use of the leaves. While he doubted whether any international traffic in the leaves existed, there must certainly be adequate control at the national level; however, it could be left to the national authorities to decide on the measures to be taken. In Canada, in order to combat marijuana addiction, strict control over cannabis was necessary, and its use for any purpose whatsoever was prohibited.

The CHAIRMAN asked whether the Ghanaian representative wished to press his proposal that the article should be redrafted to provide for control similar to that over poppy straw.

Mr. ADJEPONG (Ghana) replied that he supported the joint amendment: his intention had simply been to emphasize the need for strict control.

The CHAIRMAN said that in that case, there appeared to be general agreement on the joint amendment.

Mr. BANERJI (India), referring to the explanatory paragraph following the amendment regarding the definition of cannabis, said he would be quite content to see the problem of the leaves left to the Drafting Committee, if the Committee so agreed. As the Canadian representative had correctly said, the use of the leaves to which he had referred was not medical or scientific, but rather " social ", and the rigid control envisaged in article 31 did not seem appropriate in that case.

Mr. CURRAN (Canada) suggested that the Committee agree in principle that cannabis leaves should be subject to the same regime as coca leaves, and make a recommendation to that effect in its report. The exact form to be taken by articles 35 to 38, on the coca bush, was not yet known. Articles 36 and 37 had in fact been referred back to the relevant *ad hoc* Committee at the twenty-second plenary meeting.

Dr. MABILEAU (France) and Mr. NIKOLIC (Yugoslavia) supported the Canadian representative's suggestion.

Mr. LANDE, Deputy Executive Secretary, pointed out that coca leaves from which the alkaloids had not been extracted would be subject to the same controls as morphine. If it was intended to subject cannabis leaves to a more lenient regime, it would be advisable to indicate more specifically what particular regime should be applied. A mere reference to the regime governing coca leaves would not achieve that purpose.

Mr. de BAGGIO (United States of America) suggested that it might be better to keep the joint amendment as it stood and make an exception for cannabis leaves as a flavouring agent.

Mr. NIKOLIC (Yugoslavia) said that, since the Deputy Executive Secretary had pointed out that coca leaves were listed in schedule I, the Committee must decide what kind of controls should be applied to cannabis leaves, since it had certainly not been the intention of the Indian amendment to subject cannabis leaves to the system of controls provided for substances listed in schedule I.

Mr. BANERJI (India) said that the joint amendment had originally been acceptable to his delegation, but when the Technical Committee had decided to include cannabis leaves in the definition of cannabis, he had been compelled to suggest an amendment to it. He had referred in that amendment to " the system of controls envisaged in articles 35 to 38 " because while the articles on the control of industry and trade were to be read together with the schedule, articles 35 to 38, relating to coca leaves, provided for the use of the leaves for other than medical or scientific purposes. However, he had overlooked the decision taken at the twenty-second plenary meeting to refer articles 36 and 37 back to the relevant *ad hoc* Committee and he agreed with the Canadian representative that it would be premature to mention those articles until they had been approved in plenary. As the general principle of the Indian amendment was clearly understood, and the members of the Committee agreed that the control of the quasi-medical and quasi-social uses of cannabis leaves should be left to the discretion of each Government, he strongly supported the Canadian suggestion.

Dr. MABILEAU (France) said he fully appreciated the reasons why the Indian delegation wished to maintain the right to permit the use of cannabis leaves, at least for some years to come. He was opposed to reservations, as a general rule, but in the case of cannabis leaves, where so few countries were concerned, a reservation might solve the problem; otherwise if special provision were made in the Convention for more lenient treatment for cannabis leaves, illicit traffickers would be able to claim that they were cultivating the cannabis plant for the leaves only.

Mr. ADJEPONG (Ghana) said that the Committee should not lose sight of the main point, which was that cultivation of the cannabis plant would produce the flowering tops as well as the leaves. Cultivation of the plant should be prohibited without any reservation.

The CHAIRMAN said that, if there were no objections, he would assume that the Committee accepted the principle of the Indian proposal that a less stringent system of controls should be provided for cannabis leaves.

He asked for the views of the Committee as to whether the system of controls for cannabis leaves should be formulated in the Committee or in the plenary meeting.

Mr. CURRAN (Canada) felt that there had been sufficient discussion of the problem in the Committee and that the system of controls applicable to cannabis leaves could be decided in the plenary meetings.

Mr. BANERJI (India) said that, as the matter was relatively simple, it could properly be left to the plenary meeting. The Conference could decide to amend the

Technical Committee's definition of cannabis; it could include a cross-reference to articles 35 to 38 relating to coca leaves; it could agree on a formula which would permit non-medical uses of cannabis leaves; or it could decide that the matter should be settled by means of reservations.

Mr. GREEN (United Kingdom) said he agreed that the Committee had carried the matter as far as it could. There were still a number of unknown quantities: for instance, if the Technical Committee's definition of cannabis were rejected by the plenary meeting, the problem of cannabis leaves would be solved.

Mr. ASLAM (Pakistan) said he also wished to stress that the Technical Committee's definition of cannabis might be rejected. In that event, an alternative would be to establish the same system of controls for cannabis leaves as for poppy straw. The form of control would then be a matter for decision by each Government.

Mr. LANDE, Deputy Executive Secretary, said it was true that the Technical Committee had defined cannabis to include the leaves, but that the definition had not yet been approved by the plenary. Whether the leaves ought to be included in the definition of cannabis was essentially a control question, and the Committee might properly make suggestions on that point.

Mr. NIKOLIC (Yugoslavia) said that while the Committee were all agreed that the system of controls governing cannabis leaves should be less strict than that covering substances in Schedule I, they had not yet decided what form that system should take. The Committee's function was to work out detailed proposals on the basis of general principles laid down in the plenary meetings; yet it was now suggested that the Committee should decide on general principles and refer the matter back to the plenary for detailed consideration. However, as various delegations apparently needed more time in which to prepare detailed proposals for submission to the plenary, he would reluctantly support the Canadian suggestion as the most expeditious.

Mr. LANDE, Deputy Executive Secretary, suggested that it would perhaps save time if the matter were not referred back to the plenary, and the proposals on the control of cannabis leaves were made by the Committee.

Mr. CURRAN (Canada) asked if the Deputy Executive Secretary could suggest a solution that the Committee might consider.

Mr. LANDE, Deputy Executive Secretary, said there was general agreement on three matters: that it was necessary in some countries to punish unauthorized possession of the leaves; that the leaves were less dangerous than the tops and the resin; and that consideration should be given to the special situation of Pakistan and India. With regard to a possible solution, he would draw attention to the procedure suggested by the representative of Pakistan, under which the leaves would be excluded from the definition of the " cannabis ", and dealt with in a separate article providing for the same system of control as for poppy straw. That would leave Pakistan and India free to tackle their own difficulties and allow other countries to subject the leaves to more rigid control.

Mr. NIKOLIC (Yugoslavia) suggested that the Deputy Executive Secretary discuss the problem informally with the representatives of the few countries particularly concerned with a view to preparing detailed proposals. The representatives of the countries concerned might then submit those proposals to the plenary on their own behalf.

The CHAIRMAN suggested that in its report the Committee state that it had taken its decisions on the understanding that the delegations most closely interested in the problem of cannabis leaves had undertaken to submit proposals to the plenary.

It was so agreed.

The meeting rose at 5.40 p.m.

---

8. *Ad hoc* Committee on Articles 4, 20, 21 and 26-29 of the Third Draft

FIRST MEETING

Tuesday, 28 February, 1961, at 3.40 p.m.

Acting Chairman: Mr. YATES (Executive Secretary of the Conference)

Chairman: Mr. BERTSCHINGER (Switzerland)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. AZARAKHSH (Iran) proposed Mr. Rodriguez Fabregat (Uruguay).

Mr. BITTENCOURT (Brazil) seconded and Dr. MABILEAU (France), Mr. BANERJI (India) and Mr. BELONOGOV (Union of Soviet Socialist Republics) supported the proposal.

Mr. Rodriguez Fabrega (Uruguay) was elected Chairman by acclamation.

The ACTING CHAIRMAN said that Mr. Rodriguez Fabregat was detained by other duties and could not take the Chair for the time being. In the circumstances, he suggested that the Committee elect a Vice-Chairman.

It was so agreed.

The ACTING CHAIRMAN called for nominations for the office of Vice-Chairman.

Dr. MABILEAU (France) proposed Mr. Bertschinger (Switzerland).

Mr. BANNER (Federal Republic of Germany) seconded and Mr. VERTES (Hungary), Mr. BANERJI (India) and Mr. AZARAKHSH (Iran) supported the nomination.

Mr. Bertschinger (Switzerland) was elected Vice-Chairman by acclamation and took the Chair.

Consideration of Articles 4, 20, 21 and 26-29 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.9/L.1 and 2)

The CHAIRMAN said the Committee had been set up at the eighteenth plenary meeting to consider seven articles: article 4, obligations of parties, which constituted Chapter III of the Draft; articles 20 and 21, administration of the estimates and statistical returns systems respectively, two of the articles in Chapter IV, international control organs; articles 26 to 28, which constituted Chapter VI, information to be furnished by Parties; and article 29, limitation of manufacture and importation, which constituted Chapter VII. It would be convenient to start with articles 26 to 28 and consider them paragraph by paragraph. The Indian delegation had submitted an amendment (E/CONF.34/C.9/L.1) to articles 26, 27 and 28 and the USSR delegation an amendment (E/CONF.34/C.9/L.2) to some of the definitions in article 1 which had a bearing on, at any rate, articles 27 and 28.

Article 26 (Information to be furnished to the Secretary-General)

Paragraphs 1, 1 (a) and 1 (b)

Paragraphs 1, 1 (a) and 1 (b) were approved.

Paragraph 1 (c)

Mr. RAJ (India) said that the wording of the paragraph was too vague. He had accordingly submitted an amendment (E/CONF.34/C.9/L.1) to substitute for the paragraph the text of article 23 of the 1921 Convention, specifying the information to be communicated.

Dr. MABILEAU (France) proposed that the text of the Indian amendment be added to the present text of paragraph 1 (*c*) and linked to it by the words " *inter alia* ". That would avoid restricting to the information mentioned in the Indian amendment the technical information on illicit traffic which the Commission might require.

Mr. GREEN (United Kingdom) said he saw no objection to specifying what information was to be supplied to the Commission, even though that was not essential; under the terms of the paragraph as it stood, governments were already required to supply " such particulars as the Commission shall determine concerning cases of illicit traffic ".

Mr. KRUYSSE (Netherlands) said he shared the French representative's view that it would be better to retain the present text of the paragraph and add the text proposed by the Indian representative.

Mr. JOHNSON (Liberia) said he was willing to accept the Indian amendment in the form proposed by the French representative; the words " subject to constitutional limitations " might also be added, since some governments would not always be able to supply the information required.

Mr. RAJ (India) said he saw no objection to the addition of his text to the present text of article 1 (*c*), even though his amendment covered all possible aspects of the question.

Mr. JOHNSON (Liberia) said that his modification was a mere suggestion and he would not ask for it to be put to the vote.

The CHAIRMAN put the French amendment to the vote.

The French amendment was adopted by 10 votes to 1, with 9 abstentions.

Paragraph 1 (c), as thus amended, was approved.

Paragraph 1 (d)

Paragraph 1 (d) was approved.

Paragraph 2

Paragraph 2 was approved, subject to drafting improvements to the French text.

Article 27 (Statistical returns to be furnished to the Board)

Paragraph 1

Mr. GREEN (United Kingdom) pointed out that the Conference's decision in plenary meeting to subject the substances in schedule III to the control measures applicable to the substances in schedule II, except in the case of imports and exports, would entail certain changes in article 27 on which it would be advisable for the Drafting Committee to consult the Secretariat and the Permanent Central Opium Board.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that since the plenary meeting had agreed to the deletion of the words " as approved by the Commission ", he had nothing to add.

Paragraph 1 was approved.

Paragraph 1 (a)

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he had already stated in the plenary meeting that his delegation saw no purpose whatever in reporting information on the areas used for the cultivation of, say, the opium poppy and the coca bush; it would thus impose on Governments and on the United Nations Secretariat work that could not be justified by the practical usefulness of the statistics to the Board. The Soviet delegation therefore formally proposed that the paragraph be deleted.

The effect of the Indian amendment (E/CONF.34/C.9/L.1) would be to restrict the information to areas devoted to the cultivation of the opium poppy. But the number of opium producing countries was limited and, as could be seen from the PCOB reports, growing smaller all the time, so that the paragraph as amended by the Indian representative would apply to very few countries indeed.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Board would have no objection to the USSR proposal.

Mr. RAJ (India) explained that his delegation had proposed its amendment in order to meet the PCOB's comments in footnote 25 to article 28 of the third draft, from which it appeared that, in the case of coca leaves and cannabis, such statistical returns would have little value. The situation was different in the case of opium. If the provisions of article 31, paragraphs 2 (*a*), (*b*) and (*c*) were accepted by the Parties, the national opium agencies would be in possession of accurate data on the areas cultivated for the production of opium poppy and would have no difficulty in passing that information on to the Board. Those figures had to be supplied because otherwise the production figures would become meaningless. While it was true that production varied with climatic conditions, the variations in output could not be determined if the cultivated area was unknown. The data on output and on the cultivated area were interrelated, and were both needed for effective control of the production of raw materials. Paragraph 1 (*a*) should therefore be retained but its application should be limited to opium.

Mr. de BAGGIO (United States of America) said he did not think that the provisions of article 27 should be linked to those of article 31; the national agencies should know and limit the cultivated areas, but since PCOB had pointed out that it found those statistics unnecessary, there was no need to burden it with data which it did not require. He could not, however, agree to the deletion of paragraph 1 (*a*) if that would mean the deletion from article 31 of the provisions relating to areas.

Dr. MABILEAU (France) suggested that the Committee could either reword the paragraph, as amended by India, in more precise terms, to read, say, " areas . . . in which the opium poppy is cultivated for the production of opium ", or delete it altogether, since PCOB did not consider the information to be of any real value; it had pointed out that in any given area the production of opium could vary considerably from one year to another because of weather conditions.

Mr. GREEN (United Kingdom) said there was perhaps some point in the paragraph. Estimates were of doubtful value, but statistical returns of the area actually cultivated were of positive value, especially in the case of new producers. In the latter case, PCOB would find it very useful to be able to form an idea of the yields and of the efficacy of the control measures. Statistics would be less useful in the case of traditional producers, but if they were available, there would be no harm in transmitting them; there again, they could help in the calculation of yields. Statistical returns were an essential feature of the control measures for the production of opium stipulated in the Convention, and it would therefore be unfortunate if the Committee decided to delete the paragraph.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he would like to explain more clearly the position of the Board. The Board's main concern was that the provisions of the new Convention should so far as possible be universally applicable without creating excessive difficulties for any country. There was no need for data on the areas used for the cultivation of every raw material. Opium, however, was a rather special case. Governments had a system of control over the cultivation of the opium poppy and therefore knew what acreage was cultivated, so that it would be easy for them to supply the desired information. For the Board, such data would be a safeguard, because they would enable it to keep abreast of the situation with regard to new production, as the United Kingdom representative has said, and also to estimate over-production. So far as the effect of climatic conditions was concerned, the Board would be able to allow for it. The Board would of course be glad to receive as much information as possible; but the deletion of paragraph 1 (*a*) would not handicap it in its work.

Mr. KRUYSSE (Netherlands) said that, since the deletion of the paragraph would apparently not create difficulties for the Board, his delegation would not oppose the Soviet proposal; if, for one reason or another, the Board wished to obtain additional data, it would always be able to do so under article 31, paragraph 3, and article 11, paragraph (*c*) (ii). Deletion of paragraph 1 (*a*) would not entail any amendment of article 31, paragraph 2 (*a*). Transmission to the Board of data on areas under cultivation was not particularly useful seeing that yields varied considerably from one year to another.

Mr. ACBA (Turkey) said that paragraph 1 (*a*) would give Governments more work than the statistical value of the data warranted, since yields from the same acreage could vary as much as fourfold from year to year. If the Board wanted additional data on new production, it could obtain them under the provisions of other articles of the Convention. Paragraph 1 (*a*) was therefore unnecessary.

Mr. VERTES (Hungary) said he agreed that, in view of the fluctuations in yields and the fact that the PCOB did not consider the statistics essential, there was every reason to delete paragraph 1 (*a*).

Mr. AZARAKHSH (Iran) said that Iran, which was traditionally a large producer of opium, considered that acreage statistics were a useful means of estimating production, despite variations in yields due to climatic conditions. Since the producing countries could easily furnish such information, there was no reason to delete paragraph 1 (*a*).

Mr. de BAGGIO (United States of America) observed that the wording proposed by the French delegation

would exclude areas in which the opium poppy was cultivated for the production of concentrates.

Dr. MABILEAU (France) pointed out that it had been agreed in the plenary meeting that control over poppy straw should begin only once it had entered the factory. Statistics would therefore relate only to acreages cultivated for the production of opium, which was in itself a narcotic substance and constituted a social danger.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he agreed with the United States representative that article 27 should not be linked to article 31. The Soviet Government had always favoured strict national control and supported article 31 unreservedly. But the issue now before the Committee was not national control but the statistical returns to be furnished to the Board. And there he was unable to understand the position taken up by India, which seemed to attach more importance to average yield or yield in a given year than to production figures, the transmission of which was provided for in paragraph 1 (*b*). He could not see what interest India, which produced approximately two-thirds of the world production of opium, could have in knowing what acreages were cultivated in other countries. Under the existing conventions PCOB received no data on acreages and itself acknowledged that such data had little value. If the new Board wanted such data for any reason — for example, in the purely hypothetical case of a new country beginning to produce opium — it could, as had been pointed out, request such data under other articles of the Convention. But there was no need for the regular transmission of such data.

Mr. RAJ (India) said that the PCOB had not said that the statistical returns asked for in paragraph 1 (*a*) were useless in the case of opium, but only that, if the Conference decided that they need not be furnished, it would raise no objection. If they were furnished, they would certainly be helpful to the Board. India, which admittedly produced approximately two-thirds of the world supply of opium, could easily furnish such data, which it collected in any case for its own purpose, and he did not understand why other producers could not do the same. The only reason why it was known that Indian output was the highest in the world was that India knew what acreage was cultivated and what was the amount produced.

Some speakers had argued that the Board could ask for that information under other articles, but if the Parties were willing to furnish it, they could do so just as well under paragraph 1 (*a*). On the other hand, if the Convention did not expressly provide for the furnishing of such information, the Board would have difficulty in requesting it on its own authority. In his delegation's opinion, the provisions of paragraph 1 (*a*) were fundamental.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) said that, since the PCOB felt that the information asked for in paragraph 1 (*a*) was useless or at best of only limited value, and since in order to facilitate its application the Convention ought to be simplified as much as possible, he saw no reason why the task of the Parties should be made more complicated by obliging them to furnish data of no practical value. India's stand was not justified. Paragraph 1 (*a*) had only a very indirect connexion with the control system and there was every reason to delete it in order not to make the text unduly cumbersome.

The CHAIRMAN said that the Committee had three proposals before it: the Indian amendment, the Indian amendment as amended by the French representative, and the Soviet Union proposal. He would first put to the vote the Soviet Union proposal, which was the furthest removed from the original text, since it called for the complete deletion of paragraph 1 (*a*).

The Soviet Union proposal was adopted by 9 votes to 7, with 7 abstentions.

Paragraph 1 (a) was deleted.

Mr. RAJ (India) said he reserved his delegation's right to raise the question again in the plenary meeting.

Paragraph 1 (b)

Paragraph 1 (b) was approved.

Paragraph 1 (c)

Mr. LANDE, Deputy Executive Secretary, said that, since poppy straw would no longer be mentioned in schedule I, the words " and of poppy straw " should be added after the words " and II " in the first line of the paragraph. The provision would then be in conformity with the existing control system and with the decision that poppy straw should be subject to control from the moment it entered a factory manufacturing drugs.

Mr. KRUYSSE (Netherlands) and Dr. MABILEAU (France) supported the amendment.

Paragraph 1 (c), as thus amended, was approved.

Paragraph 1 (d)

Mr. KROOK (Sweden) asked whether " consumption " meant the quantities delivered by manufacturers and wholesalers to pharmacies, hospitals and doctors, rather than the quantities dispensed to patients.

Mr. KRUYSSE (Netherlands), Mr. ATZENWILER (Permanent Central Opium Board) and Mrs. CAMPOMANES (Philippines) said that that was the generally accepted interpretation.

Mr. VERTES (Hungary) suggested that, in order to avoid any confusion, the word " consumption " should be defined in article 1 of the Convention.

It was so agreed.

Paragraph 1 (d) was approved.

Paragraph 1 (e)

Mr. de BAGGIO (United States of America) suggested that the words " and of poppy straw " should be added at the end of the text as in paragraph 1 (*c*).

It was so agreed.

Paragraph 1 (e), as thus amended, was approved.

Paragraph 1 (f)

Paragraph 1 (f) was approved.

Paragraph 1 (g)

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he had already pointed out in the plenary meeting that the terms " stocks ", " Government stocks " and " Government purposes " did not correspond to conditions in socialist countries. Since it had been agreed in the plenary meeting that the Convention should use only expressions that were universally applicable, his delegation had therefore proposed appropriate definitions for the above-mentioned terms, but as the text of the amendment (E/CONF.34/C.9/C.2) was not yet available in all the languages, he suggested that the paragraph be approved provisionally.

Paragraph 1 (g) was approved provisionally.

Paragraph 2 (a)

Paragraph 2 (a) was approved.

Sub-paragraph 2 (a) (i)

The CHAIRMAN pointed out that the Indian delegation had submitted an amendment (E/CONF.34/C.9/L.1) to change the terminal date from 31 March to 31 May.

Mr. GREEN (United Kingdom) said that, no matter what date was fixed, some countries would be late in furnishing their statistical returns. He therefore proposed that the Committee adopt a more flexible wording requesting the Parties to use their best endeavours to make their statistical returns to the Board by 31 March.

Mr. ATZENWILER (Permanent Central Opium Board) said it was true that the time-limits fixed by the Convention now in force were not observed by all countries. If the date 31 May would enable countries to submit their returns in time, it should be adopted, but if it merely prolonged the period for which returns were overdue, there was no point in making the change.

Mr. ACBA (Turkey) said that the reference to paragraph 1 (a) should be deleted, since paragraph 1 (a) had been deleted. With regard to the date, it should be put forward to 31 May if that meant that countries which were unable to make their returns by 31 March would no longer be late. The Board should, however, see that the date was observed, if necessary by reminding countries of their obligations.

Mr. BITTENCOURT (Brazil) said that, because of the size of Brazil and the slowness of communications, his Government could not collect all the relevant statistics by 31 March; a period of six months was necessary.

U KYIN (Burma) said the same applied to Burma. Even if the dead-line were fixed at 31 May, his Government was not sure that it would be able to furnish its statistics in time.

Mr. AZARAKHSH (Iran) said he was in favour of 31 May because the Iranian year began on 21 March.

Dr. MABILEAU (France) said he supported the Indian proposal. He also agreed that some reference should be included in the text to the need for observing the time-limit.

Mr. LANDE, Deputy Executive Secretary, said that, if the representative of the Permanent Central Opium Board agreed, it might be possible to satisfy those representatives who wished to extend the time-limit by adding the words " if possible " after the word " Board " in the third line of the paragraph.

Mr. KRUYSSE (Netherlands) said he supported that suggestion.

Mr. GREEN (United Kingdom) said he also supported it. If the date 31 March were retained, Governments which could do so would be encouraged to furnish their statistical returns as soon as possible and that would enable the Board to begin its examination without delay.

Mr. KOCH (Denmark) and Dr. KENNEDY (New Zealand) said they preferred the Indian proposal.

Mr. RAJ (India) said that if the date 31 May were adopted, then countries which were in a position to do so could still send in their statistics earlier, whereas if the date 31 March were retained, it would be embarrassing to countries which found it physically impossible to furnish them by that date.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that if the Board had to choose between the doubtful solution offered by insertion of the words " if possible " and the fixing of a compulsory but later date, it would prefer the compulsory date; the date could be 31 May, 30 June or later, but it was better that it should be fixed.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he endorsed the views expressed by the representative of India. The fact was that the Board was obliged to send out more than 250 inquiries every year to obtain clarification of data that had been too hastily compiled. An extension of the time-limit would enable the Board to insist on more precise and accurate information, and international control would thus be strengthened. It would also be unfair to Governments which had difficulties in collecting data to make distinctions between countries which could and those which could not furnish them early in the year.

Mr. GREEN (United Kingdom) said that, in the light of the remarks of the PCOB representative, he withdrew his proposal.

Mr. BITTENCOURT (Brazil) formally proposed that the time-limit for the furnishing of statistical returns to the Board be 30 June.

The CHAIRMAN put the Brazilian proposal to the vote.

The Brazilian proposal was adopted by 14 votes to 1 with 8 abstentions.

Sub-paragraph 2 (a) (i) as thus amended was approved.

The CHAIRMAN said that the second part of the Indian amendment, that " (*g*) " should be added between " (*d*) " and " and ", would be discussed when the Committee had taken a final vote on paragraph 1 (*g*). The Hungarian representative's observation concerning paragraph 1 (*a*) would be taken into account by the Drafting Committee.

Sub-paragraph 2 (a) (ii)

The CHAIRMAN pointed out that it had already been decided to delete sub-paragraph 2 (*a*) (*ii*).

Paragraph 2 (b)

Paragraph 2 (b) was approved.

The meeting rose at 6 p.m.

SECOND MEETING

Wednesday, 1 March 1961, at 3.30 p.m.

Chairman: Mr. RODRIGUEZ FABREGAT (Uruguay)

Consideration of Articles 4, 20, 21 and 26-29 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.9/L.1) (*continued*)

Article 27 (Statistical returns to be furnished to the Board) (*continued*)

The CHAIRMAN invited the Committee to conclude its consideration of article 27.

Mr. KRUYSSE (Netherlands), on a point of order, said that at the previous meeting, during the discussion of paragraph 1, it had been asserted that the Conference had decided in plenary meeting to delete the words " as approved by the Commission ". There was, however, no reference to any such decision to be found in the summary records. Consequently, before those words could be deleted, the Committee must take a formal decision to that effect.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he agreed with the Netherlands representative. A formal decision was particularly necessary because some delegations had been in favour of retaining those words.

Mr. LANDE, Deputy Executive Secretary, said it had been established that there had been no express decision by the plenary meeting to delete the words " as approved by the Commission " from paragraph 1 of either article 27 or article 28.

Mr. GREEN (United Kingdom) said he considered that those words should be deleted.

Dr. MABILEAU (France) and Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said they both concurred in that view.

The CHAIRMAN suggested that the Committee take up the point when it came to consider paragraph 1 of article 28.

It was so agreed.

Paragraph 3 (resumed from the previous meeting)

The CHAIRMAN pointed out that the Indian delegation had submitted an amendment (E/CONF.34/C.9/L.1) for the deletion of the rest of the paragraph after the words " government purposes " in the second line.

Mr. KRUYSSE (Netherlands) pointed out that in some countries, such as the Netherlands, stocks intended for government purposes were already included in the statistics. In such cases, it would not be necessary to furnish information on quantities withdrawn from government stocks.

Mr. LANDE, Deputy Executive Secretary, said that the data required under paragraph 3 were needed by the Board to obtain a complete accounting of the disposal of all narcotics supplies and to strike a proper balance. Paragraph 3 corresponded to article 22, paragraph 3, of the 1925 Convention.

Mr. GREEN (United Kingdom) said that he shared the Deputy Executive Secretary's view. It was not necessary to request information on government stocks but the Board must know what amounts had been withdrawn.

Mr. LIANG (China) said he agreed with the comments of the Deputy Executive Secretary and the United Kingdom representative.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that if the Indian amendment were adopted, the statistics of the quantities imported and the quantities consumed would not tally. It would therefore be preferable to retain the paragraph in its present form.

Mr. RAJ (India) said he had submitted his amendment because several delegations had expressed doubts in the plenary meeting regarding the utility of the second half of the paragraph on the ground that it would not lie within the competence of the Board to comment on statistics of stocks intended for government purposes. If the statistics could not be used for control purposes, there was no point in furnishing them to the Board.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he supported the Indian amendment. It would be superfluous for the Parties to supply the information requested in the second part of the paragraph, seeing that under paragraphs 1 (*b*), 1 (*c*), 1 (*d*) and 1 (*g*) they would already be furnishing very extensive information which would give the Board a sufficiently accurate idea of the quantities of drugs procured and produced and the use that had been made of them; paragraph 3 did not, therefore, add anything new. Moreover, the purpose of the control of international trade was to prevent the diversion of drugs to the illicit traffic; if States exercised effective control under the present Conventions, there would be no danger of illicit traffic.

Miss VELISKOVA (Czechoslovakia) said she agreed that control was a matter for the State concerned; government stocks would certainly not be a source of drugs for the illicit traffic. For that reason, she supported the Indian amendment.

Mr. GREEN (United Kingdom) said that there appeared to be some misunderstanding. No one objected to stating the quantities imported for government purposes, but some delegations did not wish to supply the information separately. But it was obvious that, without accurate information on the quantities imported, exported, utilized and withdrawn from government stocks, the Board would not be able to strike a proper balance.

Mr. de BAGGIO (United States of America) said he agreed with the United Kingdom representative.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he thought the United Kingdom representative was right. In any event, paragraph 3 merely repeated the provisions of article 22, paragraph 3, of the 1925 Convention.

Mr. KRUYSSE (Netherlands) said that he had some sympathy with the Indian amendment. Under article 27, paragraph 1, the Parties would already be supplying statistics on imports, exports and consumption of drugs; it therefore seemed pointless to request the same information again in paragraph 3. But, as the United Kingdom representative had pointed out, the Board must know what amounts had been withdrawn from government stocks. Perhaps, therefore, if the Indian representative saw no objection, only the middle part of paragraph 3 need be deleted, the obligation relating to quantities withdrawn from government stocks being retained.

Mr. LANDE, Deputy Executive Secretary, said that, in order to strike a balance, the Board needed separate figures on imports and domestic procurements for government purposes.

Mr. KRUYSSE (Netherlands) said he appreciated that argument but did not see any difference between quantities consumed and quantities added to government stocks, since government stocks were ultimately used for consumption. In the Netherlands, statistics of government stocks were included in consumption statistics.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) asked whether the Indian representative wished to press his amendment, in view of the objections raised to it.

Mr. RAJ (India) said he would reconsider the matter but still felt that it was pointless to require Parties to supply the statistics separately.

Mr. KOCH (Denmark) said that, if the second part of the paragraph were deleted and it was understood that consumption covered only retail trade, the statistics would obviously not tally, and the discrepancy would be reflected in the balance drawn up by the Board. The Board would deduce, however, that the deficit reflected the quantities added to government stocks and so would be able to calculate consumption. Procurement for government purposes could be included in consumption but in that case it would be impossible to establish an exact figure for consumption. That was not very important, however, for consumption statistics did not give a faithful picture of drug addiction.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he must repeat that the information requested in paragraph 1 was sufficient to give the Board an accurate idea of the movements of drugs within countries. Under the present Conventions, the Parties did not furnish the PCOB with information on the total volume of government stocks. For that reason, it would not be fair to request such information in the future, for that provision would be a heavy burden on States that had recently achieved or were shortly to achieve independence; as those States would be starting from scratch, the Board would have all the information it needed about their stocks.

Mr. LANDE, Deputy Executive Secretary, said that if Governments were willing to abolish the distinction between civilian and government stocks and to furnish figures for their total stocks, regardless of whether they were intended for civil or military purposes, the Board would not need the data required under paragraph 3.

Mr. GREEN (United Kingdom) said he disagreed with what the USSR representative had said about newly independent countries; there would undoubtedly have previously been government stocks in those countries and they would not be under any special disadvantage.

Mr. KRUYSSE (Netherlands) said that, in the light of the explanations which had been given, he would withdraw his proposal. He now agreed that it would be better not to delete the second part of paragraph 3, and hoped that the Indian representative would not press his amendment.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he also hoped that, having heard the explanations given by the Deputy Executive Secretary, the Indian representative would not press for a vote on his amendment.

Mr. RAJ (India) said his delegation had proposed that the second part of paragraph 3 be deleted, because it had thought that the Board would have no use for the information requested. As it now appeared that the information would help the Board in its work, he would withdraw his amendment.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he considered that the second part of the paragraph served no useful purpose and he therefore formally proposed that it be deleted, as originally proposed by the Indian representative.

The Soviet Union amendment was rejected by 17 votes to 5, with 2 abstentions.

Paragraph 3 was approved.

Article 28 (Estimates of production and drug requirements)

Paragraph 1 and Article 27, paragraph 1 (resumed from earlier in the meeting)

The CHAIRMAN reminded the Committee that it had been agreed earlier in the meeting, during the discussion of article 27, paragraph 1, to consider the proposed deletion of the words " as approved by the Commision " when the Committee took up article 28, paragraph 1, which was couched in similar terms.

Mr. ATZENWILER (Permanent Central Opium Board) said that in its comments on the third draft, the Board had proposed that the words " as approved by the Commission " be deleted from paragraph 1 of both article 27 and article 28. That proposal had been repeated by the representative of the Board at the seventeenth plenary meeting.

Dr. MABILEAU (France) said he had already urged in the plenary meeting that the words " as approved by the Commission " should be deleted. As a formal decision had not been taken at that time, he again proposed that those words be deleted from both paragraphs.

Mr. RAJ (India) said he was under the impression that the proposal had been tacitly accepted by the plenary meeting but if a formal decision was necessary, the Committee should take it now.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said there was a close connexion between paragraph 1 of articles 27 and 28 on the one hand, and paragraph (*c*) (ii) of article 11 on the other. If it decided to amend articles 27 and 28, the Committee would be prejudging article 11, which had been referred to another Committee.

Mr. GREEN (United Kingdom) pointed out that article 11 merely listed provisions contained in other articles. Paragraph (*c*) (ii), for instance, simply referred the reader to articles 27 and 28. The Committee could, therefore, take a decision on the substance of those two articles without intruding on the competence of the *ad hoc* Committee dealing with article 11.

Mr. KRUYSSE (Netherlands) said that paragraph (*c*) (ii) of article 11 dealt with the list of items in respect of which Parties were required to furnish statistics and estimates in accordance with articles 27 and 28, whereas paragraph 1 of articles 27 and 28 was concerned with the form in which such information was to be furnished Two distinct matters were accordingly involved, and there was no reason why the Committee should not vote on the proposal for the deletion of the words " as approved by the Commission " in the two articles.

Mr. KOCH (Denmark) said he agreed with the Netherlands representative. Paragraph (*c*) (ii) dealt with the list of information to be furnished, while paragraph 1 of articles 27 and 28 referred to the form in which such information should be furnished. It was therefore for the present Committee to decide who should prescribe the form in which the information was to be furnished. Article 42, paragraph 5 had already been amended so that the Commission, and not the Board, had the responsibility of establishing the form of import certificate. In the interests of uniformity, therefore, it might be better to leave it to the Commission to settle all questions concerning forms.

Mr. KRUYSSE (Netherlands) said that the only reason for the decision to make the Commission responsible for establishing the form of import certificate was that the Board never had occasion to deal with import certificates and the Commission was better qualified than the Board in that respect. But the Board had the greater experience in the matter of statistics and estimates. There was therefore no necessity for the Commission to approve the form in which the information was to be furnished and the words " as approved by the Commission " in paragraph 1 of articles 27 and 28 should therefore be deleted.

The CHAIRMAN put to the vote the French amendment for the deletion of the words " as approved by the Commission " in paragraph 1 of articles 27 and 28.

The amendment was adopted by 20 votes to none, with 6 abstentions.

Paragraph 1 of articles 27 and 28, as thus amended, was approved.

Paragraph 1 (a)

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that, as the Committee had decided to delete paragraph 1 (*a*) of article 27 relating to information to be furnished on the areas cultivated for the production of drugs, it was unnecessary to request the Parties to furnish information on the areas to be cultivated for that purpose. Because of the substantial variations in yield from one harvest to another, such estimates had no value and were liable to mislead the Board. In addition, the word " region " was too vague: in some countries, the regions in which there was cultivation were larger than the total land area of other countries. In order to avoid imposing unnecessary obligations on the Parties, he proposed that the paragraph be deleted.

Mr. KAYMAKCALAN (Turkey) said that, as he had explained at length in the plenary meeting, paragraph 1 (*a*) should be deleted for the same reasons as paragraph 1 (*c*) of article 27 had been deleted.

Mr. RAJ (India) said he had submitted an amendment to paragraph 1 (*a*) (E/CONF.34/C.9/L.1) which corresponded to the amendment he had submitted to paragraph 1 (*a*) of article 27. The estimates requested really applied to opium and not to cannabis or coca leaf. He was still convinced that information relating to the areas cultivated or to be cultivated was important and should be furnished to the Board, but since paragraph 1 (*a*) of article 27 had been deleted, he was afraid that paragraph 1 (*a*) of article 28 would also have to be deleted.

Mr. VERTES (Hungary) said it was pointless to request information from the Parties on the areas to be cultivated when they were not obliged to furnish

information on the areas actually cultivated. He therefore supported the proposal for the deletion of the paragraph.

Mr. AZARAKHSH (Iran) said he shared the view of the Indian representative. The information requested in the paragraph was very useful for the purpose of estimating the production of opium in a region, particularly since Governments were required in the same paragraph to furnish information on the average yield in the preceding five years.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that, as he had pointed out at the previous meeting during the consideration of paragraph 1 (*a*) of article 27, it was important to distinguish between cannabis and coca leaf, on the one hand, and opium, which was subject to special control measures, on the other. Information on the areas which had been cultivated or were to be cultivated could be furnished without difficulty and was a safeguard against diversion of opium by producers. There was little danger of the Board being misled by variations in yield, because the existence of those variations was well-known and would be taken into account by the Board. While it might be illogical to retain paragraph 1 (*a*) now that the corresponding paragraph in article 27 had been deleted, he still held that the Board should have access to the widest information possible, provided, of course, that Governments were able to furnish it, as they were in respect of the areas cultivated for the production of opium.

Dr. MABILEAU (France) said that logically paragraph 1 (*a*) of article 27 and paragraph 1 (*a*) of article 28 should be treated in the same way. But if the Indian amendment was to be considered, it should be put in the positive form which he had suggested at the previous meeting, namely, " areas in which the opium poppy is to be cultivated for the production of opium ".

Mr. RAJ (India) said he could accept that wording.

Mr. BELONOGOV (Union of Soviet Socialist Republics) pointed out that paragraph 1 (*a*), as amended by India, would apply only to the five opium-producing countries and that only one of these countries, India, seemed to insist that such statistics should be furnished. It was understandable that the Board should wish to receive as much information as possible, but the Board had admitted that the statistics were not essential, and it was important not to impose unduly onerous obligations on the Parties. The Convention should concentrate on essentials. Paragraph 1 (*a*) had no direct bearing on the subject of article 28, which was concerned with production and requirements. In the latest report on estimated world requirements of narcotic drugs, figures for requirements for finished products were given; no country had stated its raw opium requirements. If it was considered necessary to know each State's plans for the production of narcotic drugs, there was no reason to limit the requirement to opium producers and not to extend it to, for instance, synthetic drug producers. That would mean that an enormous mass of information would be furnished to the Board.

Mr. AZARAKHSH (Iran) said that the Soviet representative was omitting to take into account the position of those countries which were the victims of world over-production of narcotic drugs. If the producing countries' estimates were accurate, seizures, which sometimes involved hundreds of kilogrammes of opium in a matter of a few days, would not be so huge. In Iran, the Government had always made estimates of the areas under cultivation and the figures, which were not confidential and could easily be furnished, would be of great assistance to the Board in calculating average production. They would also be of assistance for purposes of international control and the protection of countries in which illicit traffic was a problem.

Mr. RAJ (India) said that he had listened with satisfaction to the comments of the PCOB representative. With reference to the USSR representative's remarks, eight producing countries, not five. were listed in article 32, paragraph 1 (*a*); in addition, Pakistan, Japan and a few other countries also produced opium for their own requirements. As only four producing countries were represented in the *ad hoc* Committee, it could hardly be said that all the producing countries except India admitted that the statistics were unnecessary.

Mr. de BAGGIO (United States of America) observed that the essential aim of the Single Convention was to limit opium production to the level required for medical and scientific purposes. Any measures which would make it easier to achieve that aim should be widened and he therefore failed to see why countries should be reluctant to furnish the estimates required, if they were likely to prove useful.

Mr. KRUYSSE (Netherlands) proposed that the part of the paragraph, down to the semi-colon, should be voted on separately; it referred to areas and should logically be deleted, since paragraph 1 (*a*) of article 27 had already been deleted. The rest of the paragraph concerned production and was connected with paragraph 1 (*b*) of article 27, which had been retained.

Mr. BELONOGOV (Union of Soviet Socialist Republics), in reply to the Iranian representative, said that illicit traffic was not related to over-production. In any case, as the existing world raw opium reserves were insufficient to satisfy world requirements for a year, there was in fact no over-production. The illicit traffic was attributable to deficiencies in the control arrangements in producing countries. It was for that reason that the Single Convention rightly stressed the need for strict internal control, particularly in the opium producing countries.

In reply to the Indian representative, he said that the world opium market was supplied by India, Turkey, Yugoslavia and to a very small extent, the USSR, whose exports were insignificant; the production figures were given in the PCOB report for 1960.

The Netherlands proposal for a separate vote deserved consideration. Unlike the first part of paragraph 1 (*a*) as amended by India, the second part seemed to apply to all countries without exception and to all narcotic drugs.

Mr. RAJ (India) pointed out that, according to the Permanent Central Opium Board's report for 1960, although world opium production had recently been less than licit world requirements, that was no longer the case. The figures for opium production and consumption had been roughly in balance in 1959 for the first time since 1953, and it had been possible to meet the demand without running down stocks.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that paragraph 1 (*a*) was modelled on a provision of the 1953 Protocol. It had been thought that the figures would be useful in view of the relation between the area used for opium poppy growing and opium production. In order to reduce the effect of fluctuations in output caused by weather conditions, it had been decided that the Parties should base their figures on the average yield over a five-year period. If, in the light of the discussion, the Committee was satisfied that the statistics would be useful and could be furnished and it decided to maintain paragraph 1 (*a*), it would be easier for the plenary Conference to restore paragraph 1 (*a*) of article 27, since the two paragraphs were connected.

Mr. RAJ (India) said that, for the reasons stated by the Netherlands representative, he supported the latter's proposal that the first part of the first half of the paragraph be voted on separately.

Mr. BELONOGOV (Union of Soviet Socialist Republics) asked whether that procedure was permissible; he himself had proposed the deletion of the whole paragraph.

The CHAIRMAN said that, under rule 42 of the rules of procedure, the motion for division of the proposal was in order. If the USSR objected to the motion, it would be put to the vote, in accordance with rule 42.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that he did not object to the motion, but considered that, as the first part of the first sentence and the last sentence were closely connected, they should be voted on together, and the intervening part voted on separately. His delegation thought it unnecessary to furnish statistics for areas, but might be able to furnish the data required in that provision.

Mr. RAJ (India) said he could accept that amendment.

The CHAIRMAN put to the vote the USSR amendment that the first part of the paragraph up to the semicolon and the last sentence of the paragraph be deleted.

The USSR amendment was adopted by 14 votes to 10, with 2 abstentions.

The CHAIRMAN said there still remained the original amendment to delete the entire paragraph. Since two-thirds of the paragraph had already been deleted, he now put to the vote the amendment to delete the remaining third, from the words " the approximate " to " years ".

The amendment was rejected by 16 votes to none with 9 abstentions.

Paragraph 1 (a) as thus amended was approved.

Mr. AZARAKHSH (Iran) and Mr. RAJ (India) said they reserved the right to return to the paragraph in the plenary meeting.

Mr. KRUYSSE (Netherlands) said he had voted for the deletion of the first and third parts simply for for the sake of logic, since the Committee had decided the day before to delete paragraph 1 (*a*) of article 27. He had abstained from the vote on the deletion of paragraph 1 (*a*) of article 27 and should be considered as having abstained on the principle. He reserved the right to return to the question in the plenary meeting.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that he had abstained from the vote on the middle third of the paragraph because it contained the words " in the preceding five years ". He saw no reason to lay down in the Convention the period on which the parties should base their estimates. Each country should decide what was the most suitable period. He reserved the right to submit further proposals when the question was considered in the plenary meeting.

Mr. KOCH (Denmark) said that he associated himself with the Netherlands representative's remarks concerning the vote on paragraph 1 (*a*).

The meeting rose at 6.10 p.m.

THIRD MEETING

Thursday, 2 March 1961, at 11.20 a.m.

Chairman: Mr. BERTSCHINGER (Switzerland)

Consideration of Articles 4, 20, 21 and 26-29 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.9/L.1 and 2) (*continued*)

Article 28 (Estimates of production and drug requirements) *(continued)*

The CHAIRMAN invited the Committee to continue its consideration of article 28.

Paragraphs 1 (b), 1 (c) and 1 (d)

Paragraphs 1 (b), 1 (c) and 1 (d) were approved.

Paragraph 1 (e)

The CHAIRMAN pointed out that the Permanent Central Opium Board and Drug Supervisory Body in their written comments (E/CONF.34/1, p. 99) had proposed that the words " addition to Government stocks " be replaced by the words " Government purposes ".

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that because the definition of " stocks " raised certain difficulties for socialist countries, difficulties which were not met by the words " Government purposes ", his delegation had submitted an amendment

(E/CONF.34/C.9/L.2) relating to that definition. He asked whether it was in order for the definition to be discussed in the Committee.

Mr. LANDE, Deputy Executive Secretary, said that although the definitions formed a separate part of the work programme as adopted in plenary meeting (E/CONF.34/C.1/L.1, part (m)), it was understood that each *ad hoc* committee might have to settle the meaning of particular terms whenever necessary for the performance of its tasks.

Mr. GREEN (United Kingdom) proposed that the Committee take up the USSR amendment immediately.

It was so decided.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that the aim of the amendment was to avoid the use of the term " Government purposes ", proposed by the PCOB and DSB because it raised difficulties of interpretation for countries like his own. For the purposes of the Convention, there were only two kinds of stocks, normal Government stocks and special stocks held by the Government and intended for emergency needs or special Government requirements. It would be better if the former were described as " reserve stocks ", as proposed in paragraph 1 of the USSR amendment; to preclude the possibility of any ambiguity, a definition of the meaning of that expression was also included in paragraph 1. But the term " reserve stocks " did not cover the quantities of drugs held by retail pharmacies or other authorized retailers and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions or by the Government as " Special Government stocks "; that point was made clear in the second part of paragraph 1 of his amendment and the definition of the term " special Government stocks " was given in paragraph 2. The actual wording was not important; the main purpose of the amendment was to clarify the ideas.

Mr. RAJ (India) said it seemed to him, first, that the expression " reserve stocks " did not convey the meaning intended by the Soviet delegation, since it referred to floating stocks as well as to reserve stocks. It suggested that there were both floating and reserve stocks, which was not the intention; it would be better to delete the word " reserve ", leaving the meaning of the word " stocks " to be defined as in paragraph 1 of the Soviet amendment. Secondly, as there was no definition of the term "Government stocks", it was strange to find a definition of the term " special Government stocks "; the term " Government stocks " should surely be sufficient in paragraph 2 of the Soviet amendment.

Mr. KRUYSSE (Netherlands) said he supported the changes suggested by the Indian representative, which would achieve the USSR representative's purpose of making it clear that the quantities of a drug intended for the uses specified in sub-paragraphs (*a*), (*b*) and (*c*) of the first part of paragraph 1 of his amendment were not included in Government stocks. The definition of stocks in that paragraph left something to be desired, however. First, the meaning of the term " other substances " was not clear. Secondly, sub-paragraph (*a*) did not cover manufacture and there was no mention of the use of drugs in the manufacture of preparations in sub-paragraph (*b*), although many drugs were so used. He therefore proposed that the latter part of sub-paragraph (*b*), from the words " for the preparation of . . . ", be replaced by the words " for the manufacture and preparation of drugs and other substances ".

Mr. DANNER (Federal Republic of Germany) said he agreed that the word " stocks " would be sufficient in paragraph 1 of the USSR amendment, as proposed by the Indian representative. In paragraph 2, it was not necessary to include the word " Government " in the expression " special Government stocks ", as the definition stated that they were held by the Government. Instead of " Government stocks " as proposed by the Indian representative, he proposed that the expression " special stocks " be used.

Mr. VERTES (Hungary) said he supported the USSR amendment as it stood. It did meet one point which had been of some concern to his delegation, namely, the definition of the word " consumption ". According to sub-paragraph (*a*) of the second part of paragraph 1 of the USSR amendment, the quantities held by retail pharmacists or other authorized retail distributors, and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, were not to be included in the definition of stocks; that sub-paragraph therefore defined the concept of consumption. In paragraph 2 of the USSR amendment, the term " special Government stocks " should be retained *in toto*, for it expressed clearly the idea that such stocks were to be used by the Government for special purposes.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he could accept the Indian representative's proposal to delete the word " reserve " from the expression " reserve stocks " in paragraph 1 of the USSR amendment, but not his proposal to delete the word " special " from the term " special Government stocks " in paragraph 2, for the term " Government stocks " was meaningless in a socialist country, where all such stocks were owned by the State. He therefore preferred the German representative's solution, to retain only the words " special stocks ".

With regard to the Netherlands amendment to sub-paragraph (*b*) of the first part of paragraph 1 of the USSR amendment, the definition in sub-paragraphs (*a*) to (*c*) was taken from article 1 of the 1931 Convention and was intended to ensure that the gap in the definition of the word " stocks " in article 1 of the present draft, namely, the idea of conversion, was filled; once the drugs were converted into preparations or other substances, they were covered by sub-paragraphs 1 (*a*) and 1 (*c*) of the first part of paragraph 1 of the USSR text. He had no strong views about the actual wording of sub-paragraph (*b*).

The CHAIRMAN said it appeared to be generally agreed that the word " reserve " should be deleted from paragraph 1 of the USSR amendment.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said that he supported the Netherlands amendment to sub-paragraph (*b*) of the first part of paragraph 1 of the USSR amendment, because it broadened the meaning of the paragraph to take account of all the possible uses of stocks of a drug in a country.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that he was willing to accept the more complete definition provided by the Netherlands amendment.

The CHAIRMAN asked for the views of the Committee on the Indian representative's proposal to amend the phrase " special Government stocks " in paragraph 2 of the Soviet amendment to read " Government stocks ", and the proposal of the representative of the Federal Republic of Germany to amend it to read " special stocks ".

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he could accept the amendment proposed by the representative of the Federal Republic of Germany.

Mr. RAJ (India) said that he also could accept the amendment since the term " special stocks " made the necessary distinction between the " stocks " referred to in the first paragraph of the Soviet amendment, and those defined in the second paragraph.

The CHAIRMAN suggested that the Committee approve the term " special stocks ".

It was so agreed.

Mr. KOCH (Denmark) said that, since the first paragraph of the Soviet amendment had now been made more comprehensive, the retention of the concluding phrase of the second paragraph, " and other special requirements other than those for which ' reserve stocks ' may be maintained in the said country or territory ", might lead to confusion by suggesting that there were requirements other than those envisaged in paragraph 1 of the amendment. He accordingly proposed the deletion of that concluding phrase.

Mr. DANNER (Federal Republic of Germany) said he agreed with the representative of Denmark that there could be no requirements other than those specified in paragraph 1 of the Soviet amendment; the only difference between " stocks " and " special stocks " lay in the time at which they were to be used.

Mr. de BAGGIO (United States of America) said that, while he agreed with the representative of Denmark, he wondered whether the deletion of article 1 (*m*), which was the definition of " Government purposes ", as proposed in the third paragraph of the Soviet amendment, might not result in failure to provide for the possible use of the substances in question for the armed forces.

Mr. GREEN (United Kingdom) asked whether the reference in paragraph 2 of the Soviet amendment to " exceptional circumstances " would be sufficient to cover use by the armed forces, or whether some special mention of the armed forces would have to be included if the final phrase were deleted, as proposed by the representative of Denmark.

Mr. LANDE, Deputy Executive Secretary, said that, in his opinion the term " exceptional circumstances " would probably not include the needs of the armed forces.

Mr. KOCH (Denmark) said that, in proposing the deletion of the final phrase, he had been under the impression that the term " exceptional circumstances " would cover the armed forces, since the latter were used only in exceptional circumstances. However, since it seemed that the term " exceptional circumstances " might be interpreted as referring only to disasters and the like, paragraph 2 of the Soviet amendment might be amended to read: " ' Special stocks ' means the amounts of a drug held in a country or territory by the Government of such country or territory for its armed forces or to meet exceptional circumstances ".

Mr. RAJ (India) said that in his opinion the term " exceptional circumstances " would cover all emergencies; there should consequently not be any need to include any reference to armed forces.

With regard to paragraph 3 of the Soviet amendment, to delete the definition of ' Government purposes ', seeing that a number of articles of the third draft referred to " Government purposes ", he feared that deletion of the definition might lead to confusion.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that the basic purpose of his delegation's amendment was to omit from the Convention all references to " Government purposes " because, in the socialist countries, the concept of government purposes was quite different from that prevailing in other countries, and much broader. He had hoped that the terms " stocks " and " special stocks " would avoid the ambiguities implicit in the use of the word " Government ".

Mr. RAJ (India) said that he appreciated the difficulties confronting the Soviet delegation. However, it would be undesirable to delete important articles in the Convention which contained a reference to Government purposes especially as they had no doubt already been approved by other committees. Some alternative term would, therefore, have to be found for the definition in article 1 (*m*).

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) pointed out that the definition contained in the second paragraph of the Soviet amendment made it clear that the " special stocks " in question were the amounts of a drug held in a country by the Government of the country. In view of that definition, there was no need for article 1 (*m*). No difficulty should arise with regard to other articles in the Convention, because the words " special stocks " could be used throughout.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that that was exactly what his delegation had had in mind in submitting its amendment.

Mr. de BAGGIO (United States of America) said he still felt that the concept of " Government purposes " should be retained for the non-socialist countries. It was doubtful whether the expression " exceptional circum-

stances " really covered use for the armed forces, and it was, of course, necessary for the Government to maintain stocks of medicaments for the armed forces. Therefore, if the USSR amendment were to be adopted, the phrase " for the use of its armed forces " should be inserted in paragraph 2. As it might be necessary to make further additions to the draft Convention in order to retain the idea of " Government purposes ", he suggested that the matter should be left to the Drafting Committee.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he quite understood that the main purpose of the USSR amendment was to adapt the Convention to the circumstances of States with socialist economies in which Government requirements could not be distinguished from other requirements. Since the distinction between " stocks " and " Government stocks " was not valid for such countries, the USSR had proposed that instead a distinction should be made between stocks for normal purposes and stocks for special purposes. If the Danish proposal were accepted, it would be clear that special stocks included stocks for the use of the armed forces and to meet exceptional circumstances. The only problem then would be the consequential changes in those articles of the third draft referring to " Government purposes " or " Government stocks ". It seemed clear that the term " special stocks " could be substituted for the term " Government stocks ", but the whole Convention should be examined to determine whether the term " special purposes " would in fact convey the idea expressed in the term " Government purposes ".

Mr. KOCH (Denmark) said that the term " Government purposes " as defined in article 1 (*m*) of the third draft was used in a much more limited sense than would ordinarily be the case; it covered only use for the armed forces and to meet exceptional circumstances. The change to " special purposes " would therefore seem to be a simple matter of drafting.

Mr. RAJ (India) suggested that the term " Government purposes " in article 1 (*m*) be replaced by " Special purposes ", and the appropriate changes made throughout the text. " Special purposes " should mean use by the Government for its own purposes, but not for commercial purposes.

Mrs. CAMPOMANES (Philippines) said that there appeared to be general agreement on the proposal to substitute the term " special stocks " for " Government stocks ". The amendment to paragraph 2 of the USSR amendment proposed by Denmark would meet the difficulty.

The CHAIRMAN suggested that further discussion of the USSR amendment be deferred until the next meeting.

It was so agreed.

Paragraph 2

Mr. KOCH (Denmark) said that the paragraph appeared to have been worded on the assumption that stocks would have to be increased every year, whereas in fact they might have to be reduced. He therefore suggested the insertion after the word " addition " of the words " or, as the case may be, deduction ".

Mr. ATZENWILER (Permanent Central Opium Board) said that article 5 of the 1931 Convention contained a provision similar to the one suggested by the Danish representative. It had been dropped deliberately from the draft Convention because it had caused difficulty and, in fact, had merely duplicated the deductions provided for in the event of estimates being exceeded.

Mr. KOCH (Denmark) said that in that case he would withdraw his suggestion.

Paragraph 2 was approved.

Paragraph 3

Paragraph 3 was approved.

Paragraph 4

The CHAIRMAN said a proposal had been made by the Greek representative in the plenary meeting to add the words " and the reasons for such changes " to paragraph 4. He asked if there were any objections to that amendment.

The Greek amendment was adopted.

Paragraph 4, as then amended, was approved.

Paragraph 5

Mr. ATZENWILER (Permanent Central Opium Board) suggested that the words " as established in accordance with article 20 " should be deleted since, in fact, the estimates were established in accordance with article 28 itself.

Mr. de BAGGIO (United States of America) opposing the suggested deletion, said that article 20 dealt with the establishment of the estimates by the Board, and article 28 with the submission of estimates by the Parties. Under article 20, moreover, the Board had the function of confirming or amending the estimates submitted by Parties, and even of establishing estimates for States that were not Parties to the Convention.

Mr. ATZENWILER (Permanent Central Opium Board) said he had only wanted to simplify the text. Since his suggestion had met with opposition, and as both articles dealt with estimates, he would not press it.

Paragraph 5 was approved.

Mr. ATZENWILER (Permanent Central Opium Board) suggested that since the estimates listed in article 28 would be established before the statistical returns mentioned in article 27, the order of the two articles should be reversed.

Mr. de BAGGIO (United States of America) suggested that the point be referred to the Drafting Committee.

It was so agreed.

The meeting rose at 1 p.m.

FOURTH MEETING

Thursday, 2 March 1961, at 3.10 p.m.

Chairman: Mr. BERTSCHINGER (Switzerland)

Consideration of Articles 4, 20, 21 and 26-29 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.9/L.2) (*continued*)

Article 28 (Estimates of production and drug requirements) (*continued*)

Paragraph 1 (e) (resumed from the previous meeting).

The CHAIRMAN invited the Committee to resume its consideration of the USSR amendment (E/CONF.34/C.9/L.2) to article 1, which directly affected the term " government stocks " used in paragraph 1 (*e*).

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that, after consultation with other delegations, he now proposed that article 1 (*n*) be amended to read: " ' Special stocks ' means the amounts of a drug held in a country or territory by the Government of such country or territory to meet special government requirements or exceptional circumstances."

The USSR amendment was unanimously adopted.

Mr. RAJ (India) said that under a socialist system everything was for Government purposes and it was therefore important to distinguish between normal and special government purposes; that distinction would disappear if article 1 (*m*) were deleted. It was therefore essential to retain the paragraph, even though the wording might be amended to refer to purposes " other than commercial purposes ".

Mr. LANDE, Deputy Executive Secretary, suggested that it might save time if the Committee requested the plenary conference to invite the Drafting Committee to make the consequential changes in article 1 (*m*) and other parts of the draft necessitated by the adoption of the Soviet amendment to article 1 (*n*).

Mr. RAJ (India) said he had no objection to that suggestion, provided it was made clear in the report that drugs intended for the same purpose should be subject to the same restrictions in all countries. The term " special stocks " was defined in article 1 (*n*) as amended, but the term " special purposes " had not been defined.

The CHAIRMAN said that article 1 (*m*) would be referred to the Drafting Committee and that note would be taken of the Indian delegation's comments.

Paragraph 1 (e), as amended in the light of the USSR amendment to article 1 (n), was approved.

Article 28, as amended, was approved.

Article 29 (Limitation of manufacture and importation)

Paragraph 1

Mr. GREEN (United Kingdom) said that the phraseology of sub-paragraphs (*b*), (*c*) and (*d*) differed from that of the corresponding provisions of article 6 of the 1931 Convention; he suggested that the latter might be preferable.

Mr. ATZENWILER (Permanent Central Opium Board) said that use of the expression " quantity required " had been deliberately avoided in the third draft wherever possible, because the word " required " had often been misunderstood. For example, it had been taken to refer to an estimate of the amount to be manufactured or imported, whereas for the purposes of the limitation system what was needed was the amount likely to be used; it had therefore seemed simpler to make that point clear. In the case of sub-paragraph (*c*), the quantity actually exported had to be taken into account and not the quantity manufactured for export. Part of the quantity manufactured for export might not have been exported and might remain in stock, and if it were considered under the heading of exports as well as of stocks it would be counted twice.

Mr. GREEN (United Kingdom) said that, in the light of that explanation, he would withdraw his suggestion.

Paragraph 1 was approved.

Paragraph 2

The CHAIRMAN pointed out that the paragraph was based on article 7 of the 1931 Convention.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) observed that in dealing with the paragraph the Drafting Committee would have to take into account the amendment to article 28, paragraph 1 (*e*).

Mr. KRUYSSE (Netherlands) said that it was his understanding that the last part of the paragraph referred to cases in which Governments released drugs from government stocks to wholesalers or retailers.

Mr. ATZENWILER (Permanent Central Opium Board) suggested that, in view of the definition of " special stocks " which had been approved on the proposal of the USSR representative and of the observations on the distinction between normal and special purposes, the last part of the paragraph should be amended to read " for purposes other than special purposes ". A similar change should then be made at the end of article 27, paragraph 3.

The CHAIRMAN said that the Drafting Committee would make any necessary changes.

Paragraph 2 was approved.

Paragraph 3

The CHAIRMAN pointed out that the paragraph was based on articles 7 and 9 of the 1931 Convention.

Mr. VERTES (Hungary) said that the established excess might result from the fact that part of the quantity manufactured for export was still in the possession of the manufacturing country, and possession could be real or virtual.

It would be real if a part of the quantity manufactured had not been sold because, for instance, of fluctuations in the world market. Every exporter should have the right to dispose freely of quantities manufactured for export, within the limit of the estimates, and be able to sell them at any time. The forces of supply and demand should be allowed to operate freely; forced sales might have undesirable consequences.

It would be virtual if a quantity of narcotic drugs had been sold in the year, but could not be shipped until the following year. The quantity of drugs in question should not be deducted from the quantities to be manufactured in the following year.

He agreed with the comment by Switzerland on page 100 of document E/CONF.34/1 that exporting countries had to keep a certain stock and could not manufacture narcotic drugs for the actual requirements of a single year, especially from the opium poppy, which was very sensitive to weather conditions, since otherwise they might not be able to guarantee an uninterrupted supply. Exporting countries must be free to produce the quantities mentioned in the estimates. He accordingly considered that article 29 should contain a clause enabling exporting countries, in exceptional cases, to exceed the sum of the quantities specified in paragraph 1, without having the equivalent amount deducted from the total authorized for the following year. As several producing countries appeared to be in a similar position, he would, if necessary, submit a formal proposal along those lines.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he agreed that, because of world market fluctuations, it was sometimes difficult for exporting countries to observe the specified totals. The balance remaining in their possession at the end of one year was sometimes sold early in the following year. Such countries should be free to produce the specified quantities, even if the amounts for the previous year had not been fully utilized. It went without saying that the exporting countries would make every effort to prevent drugs from being diverted into the illicit traffic.

Mr. KRUYSSE (Netherlands) said that, in accordance with the principle underlying the 1931 Convention, countries tried to keep the estimates as low as possible. Mistakes were, however, always possible and in some cases countries manufactured more than they could sell or *vice versa*. In the latter case supplementary estimates could always be furnished.

Mr. VERTES (Hungary) said he agreed that supplementary estimates offered a solution, but article 28, paragraph 3, which was the relevant provision, stated " during the year ". In practice, however, the level of stocks was not known until 31 December and after that date no supplementary estimate could be made. If the words " during the year " were deleted from article 38, paragraph 3, that would meet his point.

Mr. ATZENWILLER (Permanent Central Opium Board) said that the situation envisaged by the Hungarian representative would be dealt with automatically under the terms of the Convention. If a country manufactured 100 kilograms of morphine for export, but did not export them during the year intended, the 100 kilograms would, under the present paragraph, be deducted from the amount to be manufactured and from the total of the estimates for the following year. On the other hand, as soon as the quantity was exported, it would be included in the quantities credited to the country under paragraph 1 (*c*), and the deduction would thus be cancelled. If it was not exported, the country would have an excess of 100 kilograms of morphine and the total to be manufactured by it in the following year would be reduced by that amount.

Mr. BANERJI (India) said he agreed that, for the reasons explained by the Board representative, the problem mentioned by the Hungarian representative could not arise. Exporting countries had to mainain their stocks at a certain level, and any unforeseen surplus could always be added to stocks. He could see no objection to supplementary estimates, although it was clear that if they were used too frequently, the Board's task would be made more difficult. It should not be forgotten that the main purpose of the estimate system was to ensure that the estimated quantities were not exceeded.

Mr. VERTES (Hungary) said that stocks were also subject to the estimate system. If an exporting country maintained its stocks at a more or less constant level, it would be unable to add any surplus to its stocks without raising them above the estimated level. It might then be forced to sell, and that, as he had mentioned earlier, might dislocate the world market.

Mr. KRUYSSE (Netherlands) pointed out that the words " during the year " in article 28, paragraph 3, did not occur in article 5, paragraph 5, of the 1931 Convention, which meant that under that Convention exporting countries were free to furnish supplementary estimates for a given year after 31 December. He wondered whether a similar provision could not be included in the Single Convention.

Mr. ATZENWILER (Permanent Central Opium Board) explained that the 1931 Convention did in fact contain a provision similar to that in the draft. Article 3, the English text of which was clearer than the French, contained the words " in any year " ... " for that year ". If supplementary estimates for a given year could be furnished in the following year, the estimates system would cease to serve a useful purpose.

Mr. VERTES (Hungary) said that, in the light of the comment of the Netherlands representative regarding the 1931 Convention, it appeared that the easiest way to meet his point would be to delete the words " during the year " in article 28, paragraph 3. He would not press for the amendment of article 29, paragraph 3.

Mr. KRUYSSE (Netherlands) asked how frequently supplementary estimates for a given year were furnished in the following year.

Mr. ATZENWILER (Permanent Central Opium Board) replied that it happened very rarely.

The CHAIRMAN, speaking as the representative of Switzerland, asked whether, in the opinion of the PCOB representative, the words " during the year " were necessary.

Mr. ATZENWILER (Permanent Central Opium Board) said he thought they were. If they were deleted, countries would be free to manufacture or import any quantities they wished, and then justify them by furnishing amended estimates retrospectively, in the following year.

Mr. BANERJI (India) said he thought that the point raised by the Hungarian representative was met by the provision in article 28, paragraph 1 (*d*). If the Board authorized exporting countries to keep larger stocks, such unforeseen excess quantities could be added to them.

Mr. de BAGGIO (United States of America) said that the Board should not de deprived of its means of control. If a country's estimates were below its actual requirements, it could always furnish supplementary estimates, even on the last day of the year.

Mr. KRUYSSE (Netherlands) said he saw no need to delete the words " in any one year " because, as the representative of the PCOB had told them, the majority of the drug-manufacturing countries seemed to manage to transmit their supplementary estimates in time and, if they failed to do so, paragraph 3 would apply.

Mr. KOCH (Denmark) said he thought that paragraph 3 was unnecessary, because it covered the case where a certain quantity of drugs was manufactured but not exported, causing the stocks to exceed the estimates for the year by that amount; but under paragraph 2 of article 28, the amount required to bring the actual stocks on hand at 31 December of the preceding year up to the level estimated would be added to the estimates for the following year. Consequently, any excess would be automatically deducted from the estimates.

Mr. ATZENWILER (Permanent Central Opium Board) said that at the previous meeting the Danish representative had pointed out that article 28, paragraph 2, referred to the amount required to increase stocks up to the level estimated but not to the amounts available as a result of an excess in stocks. When there was an excess, it could, under paragraph 1 (*c*), be utilized or exported the following year without the amount having to be manufactured in that year; the stock would be reduced accordingly, and there would be no need for article 28, paragraph 2, to provide that the excess should be deducted from stocks. As for paragraph 3, it reproduced the corresponding provisions of the 1931 Convention, with one difference: it was now made clear that only an excess remaining at the end of the year, that was to say a real excess, should be deducted in the following year. It would be remembered that under the 1931 Convention, some excesses, although purely theoretical, had nevertheless had to be deducted, and the opportunity had been taken to remove that anomaly.

Mr. VERTES (Hungary) said that, in the light of the explanations given by the exporting countries and the representative of PCOB, he would withdraw his proposal. He would, however, return to the matter at a larger stage, if he thought it necessary.

Paragraph 3 was approved.

Paragraph 4 (a)

Mr. BITTENCOURT (Brazil) suggested that the word " and " between " imports " and " exports " be replaced by the word " or ".

The CHAIRMAN said that the suggestion would be referred to the Drafting Committee.

Paragraph 4 (a) was approved.

Paragraph 4 (b)

Mr. BITTENCOURT (Brazil) said, with regard to sub-paragraph (ii), that he had already pointed out at the eighteenth plenary meeting that in the exceptional cases in which exports were essential for the treatment of the sick, it was the opinion of the government of the importing country that should be taken into consideration rather than that of the government of the exporting country: as it was the importing country which needed the drugs, it was in a better position to judge the situation. The paragraph should be amended accordingly. Also, to make the meaning of the English text of the sub-paragraph more precise, the word " essential " should be replaced by the word " indispensable ".

Mr. ATZENWILER (Permanent Central Opium Board) said he could not agree. If the Board found an excess in an importing country, it would notify the exporting countries concerned in accordance with article 29, paragraph 4. The purpose of that was to prevent further exports to the country where the excess existed; the article therefore applied to exporting countries and it was to them that the exceptional authorization was granted. In any case, the government of the importing country might not always be able, because of war, revolution or disturbances, to furnish the necessary statement regarding any exceptional quantities it needed. It was therefore essential to retain paragraph 4 (*b*) as it stood.

Mr. BITTENCOURT (Brazil) said that he was not altogether convinced. Exceptional cases could not be left entirely to the discretion of the exporting countries. Perhaps the phrase " in agreement with the importing country " might be added.

Mr. KRUYSSE (Netherlands) said that, if the Brazilian representative's proposal were adopted, the exporting countries would be placed in a difficult position; they would receive the Board's recommendation not to export to a particular country, followed by an import application from the country concerned. In any case, the importing country could always send supplementary estimates to the Board.

Mrs. CAMPOMANES (Philippines) said she agreed. To import drugs in exceptional cases, the import-

ing country had to deliver an import licence which proved the need for the import; at the same time, it send the Board a supplementary estimate, explaining why the import was necessary, It was then for the exporting country to decide whether or not to supply the quantities requested.

Mr BITTENCOURT (Brazil) said he withdrew his proposal.

Mr. KENNEDY (New Zealand) suggested that the words " the treatment of the sick ", which were too restrictive, should either be supplemented by the words " and injured " or replaced by the words " for medical purposes ".

The CHAIRMAN said that the suggestion would be referred to the Drafting Committee.

Paragraph 4 (b) was approved.

Article 29, as a whole, was approved.

Article 20 (Administration of the Estimate system)

Paragraph 1

The CHAIRMAN said it now remained for the Committee to consider articles 4, 20 and 21. Article 4 should be taken last. The Indian delegation had submitted an amendment to article 21.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that the paragraph covered much the same ground as article 28, paragraph 1. The Drafting Committee should consider the possibility of dealing with the matter in a single article, either 20 or 27.

It was so agreed.

Paragraph 1 was approved.

Paragraph 2

The CHAIRMAN, speaking as the representative of Switzerland, proposed that consideration of the paragraph, which was closely related to article 48, be postponed until article 48 had been adopted.

Mr. BELONOGOV (Union of Soviet Socialist Republics) and Miss VELISKOVA (Czechoslovakia) supported the proposal.

Mr. GREEN (United Kingdom) said he could not agree; if the Committee considers the estimate system, it should do so in relation to all countries.

Mr. de BAGGIO (United States of America), Mr. KRUYSSE (Netherlands) and Mr. ESTABLIE (France) supported the view of the United Kingdom representative.

The CHAIRMAN put to the vote his (the Swiss) proposal that discussion of paragraph 2 be postponed.

The proposal was rejected by 16 votes to 4, with 3 abstentions.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that paragraphs 2 and 3 were contrary to the principle of universality. The authors of the text had deliberately started from the premise that the Convention would not apply to all countries. The USSR Government, on the other hand, was convinced that the Single Convention could not be effective unless it was universal. In any event, he could make no specific proposal regarding the wording of either of those two paragraphs until article 48 had been adopted. Article 48 itself left something to be desired. It was inadmissible to deprive certain States of the right to become parties to the Convention and equally inadmissible to allow the Board to establish estimates in respect of States which could not become parties to the Convention. Unless article 48 was amended, the USSR delegation would be unable to approve paragraphs 2 and 3. He asked that his remarks be recorded in the Committee's report.

Mr. VERTES (Hungary) said he shared the opinion of the USSR representative.

Mr. GREEN (United Kingdom) said that the principle of article 48 was not at issue. Paragraph 2 related to States which were not yet parties to the Convention; even if all States capable of doing so became parties to the Convention, there would be an interval during which the Board would request those which were not yet parties to furnish estimates. If the Board did not receive estimates, it would establish them itself and, if the States were not satisfied, they could send in their own estimates. The provision was essential for the Board and for the system of control.

The CHAIRMAN put paragraph 2 to the vote.

Paragraph 2 was approved by 17 votes to 5, with 3 abstentions.

Miss VELISKOVA (Czechoslovakia) said she reserved the right to return to the questions when article 48 was discussed.

Paragraphs 3-6

Paragraphs 3-6 *were approved.*

Article 20 as a whole was approved.

Article 21 (Administration of the Statistical Returns Systems)

Paragraph 1

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that his comments on paragraph 1 of article 20 also applied to paragraph 1 of article 21; he asked that they be referred to the Drafting Committee.

Paragraph 1 was approved.

Paragraph 2

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that his comments on paragraphs 2 and 3 of article 20 also applied to paragraph 2 of article 21; his position on that paragraph would depend on the decision on article 48.

Paragraph 2 was approved.

Paragraph 3.

Paragraph 3 was approved.

Paragraph 4

Mr. RAJ (India) said that paragraph 4 was based on a clause in the corresponding provision (article 22, paragraph 3) of the 1925 Convention. In view of the very strict measures provided in article 22, it was desirable to stipulate that the provisions of article 22 should not be applicable to the matters dealt with in article 21 except in cases where the Board might find that illicit international transactions were taking place on an appreciable scale. That was the purpose of the Indian amendment (E/CONF.34/C.9/L.1).

Mr. GREEN (United Kingdom) said that in his opinion the Indian amendment should apply to article 22 rather than to article 21. In any case, its effect would be unduly to restrict the powers of the Board, whose main source of information was the statistical data it received. It would be better to have a more explicit provision on the question in article 22.

Mr. BANERJI (India) said that when his delegation had drafted its amendment to paragraph 4, article 22 had not yet been considered in plenary meeting, but now that substantial changes had been made in article 22, he would withdraw the amendment.

In connexion with article 22, the Drafting Committee need only be told that stocks required for government purposes should not be the subject of requests for information in the same way as stocks held for commercial purposes.

Paragraph 4 was approved.

Article 21 as a whole was approved.

Article 4 (Obligations of Parties)

Mr. GREEN (United Kingdom) said that paragraph 2 was nothing more than an enumeration, and a very incomplete one at that, of obligations stated in other articles; it was therefore of little practical value. He accordingly proposed that paragraph 2 be deleted and that the Drafting Committee be asked to include paragraph 1 in article 30, which was a statement of general principles, if it thought that desirable.

Mr. de BAGGIO (United States of America), Mr. DANNER (Federal Republic of Germany), Mr. BELONOGOV (Union of Soviet Socialist Republics), Mr. BUVAILICK (Ukrainian Soviet Socialist Republic), Mr. KRUYSSE (Netherlands) and Mr. KOCH (Denmark) supported the United Kingdom proposal.

Mr. BANERJI (India) pointed out that the plenary Conference had decided that article 4 should not be adopted until the discussion of the other articles had been completed. He therefore proposed that the Committee take no decision on article 4 but refer it to the Drafting Committee. It might, after all, be useful to recapitulate certain obligations; article 2, for instance, which had been approved, was also a recapitulation.

Mr. ESTABLIE (France) said he agreed that article 4 was very general and that the list of obligations it contained might be incomplete, but it was desirable that those obligations should be enumerated in an article. General articles like article 30 and article 4 had their place in the Convention. Consequently, it was better not to take any decision on article 4 until the Conference had completed consideration of the whole Convention.

Mr. JOHNSON (Liberia) said he agreed with the representative of India that it would be better not to take a decision on article 4 until discussion of the other articles had been completed.

The CHAIRMAN put to the vote the United Kingdom proposal, that paragraph 2 be deleted and paragraph 1 incorporated in article 30 if that were found desirable.

The United Kingdom proposal was adopted by 17 votes to 5, with 1 abstention.

Mr. BANERJI (India) suggested that in the first line of paragraph 1 the word " all " be replaced by " such ".

The CHAIRMAN said the Indian representative's suggestion would be referred to the Drafting Committee.

The meeting rose at 5.20 p.m.

---

9. *Ad hoc* Committee on Article 22 of the Third Draft

FIRST MEETING

Thursday, 2 March 1961, at 5.25 p.m.

Acting Chairman: Mr. LANDE
(Deputy Executive Secretary of the Conference)

Chairman: Mr. GURINOVICH
(Byelorussian Soviet Socialist Republic)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. MEASKETH (Cambodia) proposed Mr. GURINOVICH (Byelorussian Soviet Socialist Republic).

Mr. MOLEROV (Bulgaria) seconded and Mr. VERTES (Hungary), Mr. JOHNSON (Liberia) and Mr. RAJ (India) supported the proposal.

Mr. Gurinovich (Byelorussian Soviet Socialist Republic) was elected Chairman by acclamation and took the Chair.

Consideration of Article 22 of the third draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2; E/CONF.34/C.10/L.1 to 3)

Article 22 (Measures to ensure the execution of provisions of the Convention)

The CHAIRMAN said the Committee had been set up to consider article 22, with the exception of para-

graphs 1 (*e*) and 4, which had already been deleted at the nineteenth plenary meeting. Amendments had been submitted by Greece, India and the United Kingdom. He suggested that the Committee discuss first the United Kingdom amendment (E/CONF.34/C.10/L.3), which was a re-draft of the remaining provisions of the article and the furthest removed from the original text.

Mr. GREEN (United Kingdom) said that, since paragraph 4, the provision for a mandatory embargo, had been deleted, it now remained to be decided whether paragraph 3, the provision for recommendation of an embargo, should be retained. Since paragraph 3 was based on article 24 of the 1925 Convention, it was important to consider how far the provisions of that article had been of use in the past and how far they were relevant to present-day circumstances. It had been stated in the plenary meeting that although those provisions had never been put into effect, preparatory steps had been taken on a number of occasions; the countries concerned, however, had complied with the Board's wishes before the embargo had actually been imposed. It would thus seem that the threat of an embargo had been effective. Since it would be undesirable to deprive the Board of any weapon which might have had practical value in the past, the United Kingdom delegation was in favour of retaining the provisions for recommendation of an embargo. Article 24 of the 1925 Convention, however, gave the Board authority to ask a country for explanations when it had reason to think that there was an excessive accumulation of drugs or that there was a danger of the country's becoming a centre of illicit traffic. The accumulation of drugs was no longer in itself a danger; danger arose only when control was inadequate. It was also unlikely that at the present day any country would have an excessive accumulation of drugs intended for legitimate use. A revision of the criteria set out in article 24 of the 1925 Convention therefore seemed desirable.

The criteria in paragraph 1 (*b*) of the third draft were too vague and the meaning of the word " substantially ", both in that paragraph and in paragraph 3 (*a*), was not clear. Equally obscure was the new criterion in paragraph 3 (*a*), that of serious obstruction by another State of the effective administration of the Convention. In its amendment the United Kingdom delegation therefore proposed another criterion which would give the Board the right to ask for explanations if, after examining the estimates and statistics furnished under articles 27 and 28, it had reason to believe that the aims of the Convention were being seriously endangered by the failure of the country concerned to carry out the provisions of the Convention. That single criterion would govern all the actions of the Board, instead of there being different criteria for different actions, as provided in the third draft.

Certain provisions of article 22 which seemed unnecessary or undesirable had been omitted from the new text proposed by the United Kingdom. Paragraph 1 (*a*), for example, was far too broad; the powers of the Board to request information should be limited to those set out in paragraph 1 (*b*). The provisions of paragraph 1 (*c*) had also been omitted, because a country would know automatically, when the Board asked it for explanations under paragraph 1 (*b*), that the Board considered that it had failed to carry out the provisions of the Convention or that the drug situation in the territory under its control left much to be desired. If the explanations then given were satisfactory, there was no need to invoke paragraph 1 (*c*). If, on the other hand, the Board was not satisfied with the explanations, it could, as a last resort, make use of the provisions of paragraph 1 (*d*); in that case, too, paragraph 1 (*c*) was superfluous. Finally, paragraph 2 (*b*) had been omitted, because it seemed undesirable to permit the Board publicly to pillory a party, and the Government concerned, than to publish a counterblast. The behaviour of the party concerned could be given sufficient publicity under the provisions of paragraph 2 (*a*).

With regard to paragraph 5, if it were necessary for the Board to publish a special report on any action taken under the article instead of referring to it in its annual report, the brief terms of paragraph 5 of article 24 of the 1925 Convention seemed preferable. Under the United Kingdom amendment, no decision of the Board would be published, since the only action involving publicity which the Board would take would be its reporting to the Council; the first sentence of paragraph 6 thus became unnecessary. Equally unnecessary was paragraph 7, which was in any case based on a doubtful principle.

The meeting rose at 5.45 p.m.

SECOND MEETING

Friday, 3 March 1961, at 11.15 a.m.

Chairman: Mr. GURINOVICH (Byelorussian Soviet Socialist Republic)

Consideration of Article 22 of the Third Draft (E/CN.7/AC.3/9, E/CONF.34/C.10/L.1-3) (*continued*)

Article 22 (Measures to ensure the execution of provisions of the Convention) (*continued*)

The CHAIRMAN invited the Committee to continue its discussion of the United Kingdom amendment (E/CONF.34/C.10/L.3).

Mr. BANERJI (India) said that if the Committee wished to use the United Kingdom amendment as a working document, his delegation would withdraw its own amendment (E/CONF.34/C.10/L.2) to the draft article and submit amendments to the United Kingdom re-draft.

Mr. de BAGGIO (United States of America) said that his delegation supported the United Kingdom amendment.

Mr. DANNER (Federal Republic of Germany) said that the phrase " the aims of this Convention "

in sub-paragraph 1 (*a*) struck him as too vague. A more specific wording such as " the effective control of the drugs situation " might be an improvement.

Mr. BANERJI (India) suggested that the reference to articles 27 and 28 in sub-paragraph 1 (*a*) be deleted, as it served no useful purpose.

Mr. NIKOLIC (Yugoslavia) said he agreed that the wording suggested by the representative of the Federal Republic of Germany would clarify the text of the United Kingdom draft amendment. He could not, however, accept the Indian suggestion that the reference to articles 27 and 28 be deleted; it was essential that the article should specify that estimates and statistics were to be examined by the Board.

Mr. RABASA (Mexico) said his delegation had carefully studied the United Kingdom amendment and considered it an excellent text.

Mr. GREEN (United Kingdom) said it was difficult to find an appropriate expression to define the criteria for action by the Board, but the wording suggested by the representative of the Federal Republic of Germany would not ensure, as the present text did, that the Board's action was confined to matters relating to the aims of the Convention under which it was established. However, the problem was largely one of drafting. He had no strong views regarding the Indian suggestion, although he was inclined to agree with the opinion expressed by the Yugoslav representative.

Mr. JOHNSON (Liberia) said that his delegation had given careful consideration to the United Kingdom amendment and endorsed it in principle; points of detail could be dealt with by the Drafting Committee.

Mr. KALINKIN (Union of Soviet Socialist Republics) said he also had given considerable thought to the United Kingdom amendment. It seemed to him that, as the recommendation of an embargo had never been applied, the provision for the automatic embargo in article 29 would suffice and article 22 was unnecessary. However, if the majority of delegations wished to include an article of the type proposed by the United Kingdom, he would not object. There was, however, a provision in sub-paragraph 1 (*a*) which he could not accept. That sub-paragraph stated that the basis of the Board's action would be its examination of the estimates and statistics furnished under articles 27 and 28, which were estimates and statistics furnished by the Parties; the words " country or territory ", which occurred twice in sub-paragraph 1 (*a*), should therefore be replaced by the word " Party ". He could not accept the phrase " the failure of a country or territory which was not a Party to the Convention " since a country or territory which was not a Party to the Convention could not be taken to task for failure to carry out the provisions of the Convention. Furthermore, under sub-paragraph 1 (*c*), the failure of a non-party to carry out the provisions of the Convention might become the subject of discussion in the Economic and Social Council. Such a provision would establish a dangerous precedent. For those reasons, unless the United Kingdom amendment was modified in the manner he had suggested, his delegation would be unable to vote for it.

Mr. KRUYSSE (Netherlands) said he was generally in agreement with the United Kingdom amendment. The words " aims of this Convention " in sub-paragraph 1 (*a*) were admittedly rather vague, but the provision was made more specific by the requirement that the Board should take action only on the basis of its examination of the estimates and statistics furnished under articles 27 and 28. In his view, it was wise to limit the Board to those sources; the Board's role should remain the same as under the 1925 Convention.

In including a reference to articles 27 and 28 only, however, the United Kingdom delegation had apparently overlooked the fact that non-parties might fail to furnish estimates and, in that event, the Board itself would establish the estimates under article 20, paragraph 3. It was possible that sub-paragraph 1 (*a*) in its existing form might not cover the examination of estimates established by the Board under article 20; the Drafting Committee could perhaps look into that question.

Mr. GREEN (United Kingdom) said he was afraid that the USSR proposal to substitute the word " Party " for the words " country or territory " would create difficulty. The 1925 Convention had established a precedent in providing for the application of an embargo to a country which was not a Party to the Convention; indeed, the United Kingdom proposal was merely a reproduction of provisions of the 1925 Convention. The number of States Parties to the Single Convention might be very limited at first, and during that initial period the Board should be enabled to examine the drug situation in as large a number of countries as possible.

Mr. NIKOLIC (Yugoslavia) said that the Netherlands representative had quite properly drawn the Committee's attention to the fact that article 22 did not refer to estimates established by the Board under article 20. However, he could not support the Netherlands representative's suggestion that the Drafting Committee should be asked to clarify that point, since it raised a substantive problem which was beyond the competence of the Drafting Committee.

Mr. VERTES (Hungary) said he was in general agreement with the United Kingdom amendment but supported the USSR proposal to replace the words " country or territory " in sub-paragraph 1 (*a*) by the word " Party ". If that proposal were not adopted, the Economic and Social Council might be called on, under sub-paragraph 1 (*c*), to discuss the affairs of non-party States.

Mr. KALINKIN (Union of Soviet Socialist Republics), replying to the statement by the United Kingdom representative, pointed out that article 24 of the 1925 Convention gave the Board the right only to recommend that no further exports should be made to a country which was in danger of becoming a centre of the illicit traffic, whereas the draft Convention contained much broader provisions under which not only import embargoes but also export embargoes could be imposed.

The information furnished by the Drug Supervisory Body indicated that almost all countries were supplying estimates, whether or not they were Parties to the Conventions. The Board had had to establish estimates for 1961 for only seven countries and two non-metropolitan territories. The few countries not supplying estimates either were not permitted to become Parties to the Conventions or lacked the scientific personnel needed to prepare the estimates. He did not therefore think that any problem would arise during the initial period before the Single Convention had been accepted by a large number of States: some States would furnish statistics and estimates under the Single Convention, others under the 1931 Convention, and coverage would be virtually complete, except for that small group of countries which did not now furnish estimates. Estimates established by the Board could not be given the same weight as estimates furnished by the countries concerned, since the Board did not have the necessary knowledge of national drug requirements. Therefore, while his delegation was prepared to agree that the Board should be empowered to request estimates from all countries, including non-parties, it could not agree that it should have the right to establish estimates for the latter.

He accordingly proposed that, in the first sentence of paragraph 1 (*a*), the words " by reason of the failure of a country or territory to carry out the provisions of this Convention " be replaced by some such wording as : " by reason of the failure to carry out the provisions of this Convention of a Party, or any country or territory not a Party to the Convention which, in answer to the request of the Board under article 20, may furnish the estimates provided for in article 28,". If that amendment were accepted, consequential changes would be needed in the rest of the United Kingdom amendment.

Mr. NIKOLIC (Yugoslavia) said that, while he supported the principle of the USSR amendment, he wondered what the situation would be if a country or territory not a Party to the Convention, having received a request from the Board, chose to disregard it.

Dr. KENNEDY (New Zealand) said that the USSR sub-amendment seemed unnecessary. As was clearly stated in sub-paragraph 1 (*a*), the United Kingdom amendment was concerned with the estimates and statistics to be furnished under articles 27 and 28. He was unable to see the relevance of any reference to article 20.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that the wording of sub-paragraph 1 (*a*), " If, on the basis of its examination of the estimates and statistics furnished under articles 27 and 28, the Board has reason to believe . . ." was more restrictive than that of article 24, paragraph 1, of the 1925 Convention, the second sentence of which read " If the information at its disposal leads the Board to conclude . . ." As he did not believe that there was any real intention to restrict the information on which the Board based its conclusions, he suggested that the words " or other information at its disposal " be inserted after the words " furnished under articles 27 and 28 ". That would enable the Board to use information from other sources than the statistics and estimates, such as the reports on the illicit traffic supplied by the Commission on Narcotic Drugs. Another solution would be to revert to the wording of the 1925 Convention.

Mr. NIKOLIC (Yugoslavia) said he must oppose the suggestion of the PCOB representative, which was too vague. The Parties to the Convention must know on what information the Board had based itself in reaching its conclusions.

Mr. BANERJI (India) said that, in submitting its amendment to article 22 (E/CONF.34/C.10/L.2), his delegation's purpose had been the same as that of PCOB, namely, to make the largest possible amount of information available to the Board in order to enable it to reach sound conclusions; its suggested wording of paragraph 1 (*b*) made that quite clear. The future Board would have three main sources of information: first, the statistics and estimates furnished by Parties to the Convention under articles 27 and 28; secondly, the statistics and estimates furnished by countries that were not Parties to the Single Convention but had acceded to previous conventions; and, thirdly, the information and statistics furnished by countries that were not parties to any of the international conventions. That purpose would have been achieved by the Indian amendment but he preferred to withdraw it in favour of the PCOB representative's suggestion, on which he formally requested a vote under rule 59 of the rules of procedure.

Mr. KRUYSSE (Netherlands) said that he would be unable to vote for the PCOB representative's suggestion; it went much further than the Indian amendment, which had set strict limits to the information on which the Board could base its conclusions. If the United Kingdom text of paragraph 1 (*a*) were adopted, with the inclusion of the words " or other information at its disposal ", the Board would be empowered to take action on the basis of any information leading it to believe that the aims of the Convention were being endangered. As the aims were many, the Board would be empowered to act, for instance, if it felt that the penalties imposed for narcotics offences were too low or the licensing system unsatisfactory.The whole difficulty would be avoided by including in the United Kingdom text a reference to information obtained under article 20, paragraph 2.

Mr. AZARAKHSH (Iran), supporting the inclusion of the words suggested by the PCOB representative, said it would enable the Board to use information relating to seizures, for instance, in forming its opinion of the narcotics situation in any country.

Mr. WIECZOREK (Poland) said he opposed the PCOB representative's suggestion because it would enable the Board to act on the basis of information which might not be reliable; he hoped that suggestion would not be put to the vote.

Mr. KALINKIN (Union of Soviet Socialist Republics), referring to the Iranian representative's comment, pointed out that in order to enable the Board to use

information on seizures in arriving at its conclusions, there was no necessity to include the wording suggested by the PCOB; that was already possible under article 27, paragraph 1 (*f*). Seizures were in fact already reported by 31 March of each year on a special form supplied by the Board.

The Yugoslav representative had raised the very pertinent question of the countries that were not Parties to the Convention and which did not respond to the Board's request to furnish statistics. Under the present system and under the arrangements proposed in the United Kingdom amendment, the Board was entitled to establish an estimate without the participation of the country concerned. That would place the USSR, supposing that it became a Party to the Convention, in a difficult position in its relations, for instance, with the Democratic Republic of Viet-Nam. That country had not been invited to the Conference and would not, therefore, be invited to become a Party to the Convention. It was a producer of opium and one of the countries from which the USSR imported its supplies. If, on the basis of its own estimates, the Board recommended an embargo on trade with that country, the USSR would be considerably embarrassed. In order to avoid that difficulty and to enable his country to sign the Convention, he wished to propose a compromise.

Under article 20, the Board's rights in respect of countries which were not Parties to the Convention should be limited to requesting them to furnish information of the kind specified in articles 27 and 28; the estimates would then be furnished by the countries themselves. With all due respect to the Board, he did not feel that it could itself estimate the drug requirements of a given country, for it was not in a position to known what drugs the country was actually using or would be needing in the future. The discrimination implicit in article 48 should not be reflected in article 22.

Mr. NIKOLIC (Yugoslavia) said he agreed in principle with the Iranian representative's suggestion that the Board should also be able to use the statistics relating to seizures, since Governments normally furnished such statistics. However, he wondered what useful conclusions the Board could draw from those statistics, other than that the country in question was strictly applying the provisions of the Convention.

With regard to the Soviet representative's reply to his earlier question, he had perhaps not made it clear that he was concerned not so much with the Parties to the Convention, which were covered by articles 27 and 28, but with the countries that were not signatories to the Convention and were accordingly not required to submit the estimates and statistics in question. Since, in the case of those countries, failure to furnish the information requested would not amount to a violation of the Convention, he would like to know what procedure would be followed in the event of such failure. It seemed that the Board itself would establish the relevant statistics, but on the basis of what data ?

Mr. GREEN (United Kingdom) said that his delegation's amendment, as originally worded, had been intended to restrict the Board to action on the basis of information obtained from its examination of estimates and statistics, which was the procedure provided for in the 1931 Convention. Although he would gladly consider some broadening of that wording, he felt that the text proposed by the PCOB representative went too far in that direction. Instead, the Committee might agree to insert, after the words " furnished under articles 27 and 28 " the phrase " or information communicated by United Nations organs and bearing on questions arising under its responsibilities as referred to in article 19, paragraphs . . ."

With regard to the Soviet representative's proposal, most of his remarks seemed to be intended as a criticism of the provisions of article 48. While it was true that there were differing views on article 48, it was generally hoped that the problem involved would ultimately be solved and the United Kingdom delegation felt that to make exceptions to its provisions in other articles might have the effect of prejudging its subsequent discussion.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) explained that, in suggesting his amendment to sub-paragraph 1 (*a*), he had not intended to make the basis of the Board's action so broad as to give it unduly wide powers. His aim had merely been to avoid fettering any legitimate action by the Board; the phraseology suggested by the United Kingdom representative would therefore be acceptable to PCOB. In reply to the objections raised by the Netherlands representative, he pointed out that, when making his proposal, he had been under the impression that the words " aims of the Convention " were to be replaced by a more specific expression.

It was important to recognize that the Board was an international organ designed to serve the Convention. It might obtain information under the Convention that was not strictly statistical and he therefore hoped that there would be sufficient confidence in it to enable it to act under the general as well as the specific provisions of the Convention. In short, while the Board was not seeking broader powers, it was anxious that the scope of its functions should be fully defined forthwith so that there would be no future misunderstandings as to its role.

Mr. de BAGGIO (United States of America) said that, although he had originally expressed his support of the United Kingdom amendment, it now seemed to him that it might be incongruous to authorize the Board to receive information other than that specified in articles 27 and 28, and then limit it to using only the information specified in those two articles. As there would no doubt be other legitimate and valid information available to the Board under the Convention, article 22 should be so drafted as to enable the Board to use it. He therefore supported the United Kingdom representative's amendment to his own amendment.

Mr. MOLEROV (Bulgaria) said that his delegation would not object to the United Kingdom amendment, if it proved acceptable to the majority of the Conference.

However, it would have some difficulty in accepting certain words in the amendment, particularly " country or territory ". Since the Conference had been convened to draft a convention that would be acceptable to a large number of countries and more precise than the earlier conventions on the subject, Bulgaria favoured the compromise text proposed by the Soviet delegation, which would be more logical and realistic.

Mr. BANERJI (India) said that his delegation was prepared to accept the new wording proposed by the United Kingdom delegation and supported by the United States.

Mr. KALINKIN (Union of Soviet Socialist Republics), referring to the right of the Board to establish estimates for countries that were not Parties to the Convention, said that that provision, which has been reproduced from the 1931 Convention, might have been logical at the date when that earlier Convention had been drawn up. The subject had been dealt with for the first time in that Convention and it had not been possible for all countries to accede to that Convention immediately. It had therefore been felt necessary to provide for the acceptance, by countries which were not Parties, of the principle of establishing estimates of drug requirements as a basis for international control. On examining the estimates prepared by the Board, it would be found that nearly all the Parties to the 1931 Convention, as well as some other countries, had systematically submitted estimates to the Board. The system of estimates had thus clearly gained acceptance throughout the whole world. However, if provision were made in the Single Convention for the Board to establish estimates for non-signatory States, he doubted whether it would serve the purpose of achieving the widest possible accession to the Convention. It would, in fact, mean that the Board would be entitled to compile estimates in respect of countries which, for reasons beyond their control, had not been able to become Parties to the Convention. Such countries were actually discriminated against by the inclusion of article 48. Since the provision enabling the Board to establish its own estimates would be against the interests of non-parties, and since the Soviet Union had always supported the principle of universality, it would have difficulty in acceding to the Convention if such a provision were included.

Dr. MABILEAU (France) said that the United Kingdom amendment both simplified and clarified the original article and his delegation would therefore accept it, either as it stood or as amended by the United Kingdom itself. He was surprised that there now seemed to be some expectation that the Board's actions would in the future give rise to criticisms of which there had been no hint in the past. There almost appeared to be a suggestion that the Board would become nothing more than a highly qualified body for the mechanical evaluation of statistics. He, for one, saw no reason why it should not continue to be a dynamic institution, the wisdom of whose members should inspire every confidence.

The meeting rose at 1 p.m.

THIRD MEETING

Friday, 3 March 1961, at 3.20 p.m.

Chairman: Mr. GURINOVICH
(Byelorussian Soviet Socialist Republic)

Consideration of Article 22 of the Third Draft (E/CN.7/AC.3/9 and Add.1, E/CONF.34/C.10/L.1 to 3) (*continued*)

Article 22 (Measures to ensure the execution of provisions of the convention (*continued*)

Paragraph 1 (a)

The CHAIRMAN invited the Committee to continue its discussion of the United Kingdom amendment (E/CONF.34/C.10/L.3), which should now be taken paragraph by paragraph.

Mr. GREEN (United Kingdom) said that, after consultation with other delegations, he wished to replace the first one and a half lines of paragraph 1 (*a*) of his amendment (E/CONF.34/C.10/L.3), which read: " If on the basis of its examination of the estimates and statistics furnished under articles 27 and 28 ", by the wording: " If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs and bearing on questions arising under the above-mentioned provisions,".

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the United Kingdom representative's new text, which was more detailed than his original text, would be helpful to the Board. With regard to the misgivings which had been expressed concerning the functions of the Board, he reminded the Committee that the functions of the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs had given rise to similar doubts in 1927. It would be desirable in that connexion to circulate to members of the Committee League of Nations document OC.669, dated 1 October 1927, dealing with the functions of the Advisory Committee.

The CHAIRMAN said that the Secretariat would arrange for that document to be circulated to members of the Committee.

Mr. NIKOLIC (Yugoslavia) asked which United Nations organs would communicate information to the Board.

Mr. GREEN (United Kingdom) said that the International Narcotics Commission would be the body principally concerned, but WHO organs might also be included.

The CHAIRMAN invited the Committee to vote on the new text proposed by the United Kingdom representative for the opening of paragraph 1 (*a*) of the United Kingdom amendment (E/CONF.34/C.10/L.3).

The new United Kingdom text was adopted by 20 votes to none, with 6 abstentions.

The CHAIRMAN pointed out that, with the adoption of the opening of paragraph 1 (*a*) in the form proposed by the United Kingdom representative, the various amendments relating to that part of article 22 no longer applied.

He invited the Committee to consider the amendment suggested by the Federal Republic of Germany, for the replacement of the phrase " the aims of this Convention " by a more specific wording such as " the effective control of the drug situation ".

Mr. DANNER (Federal Republic of Germany) said that he would not press for a vote on his amendment. The Drafting Committee could, if it thought necessary, amend the text as he had suggested.

The CHAIRMAN said that the Drafting Committee would be advised accordingly.

Mr. ESTABLIE (France) said that the original draft of the Convention had referred to the obligations assumed by the Parties, but the term " obligation " did not appear in the third draft of the Convention. The obligations which had been set out in article 4 had also been deleted, and he regretted that the concept of " obligations " no longer appeared in the Convention.

The CHAIRMAN invited the Committee to consider the amendment proposed by the USSR representative at the previous meeting for the replacement, in the first sentence, of the words " by reason of the failure of a country or territory to carry out the provisions of the Convention ", by some such wording as " by reason of the failure to carry out the provisions of the Convention of a Party, or any country or territory not a Party to the Convention which, in answer to the request of the Board under article 20, may furnish the estimates provided for in article 28,".

Mr. NIKOLIC (Yugoslavia) said that, in view of the adoption of the new United Kingdom text, which made no reference to article 28, the wording of the USSR amendment should perhaps be amended accordingly, without, of course, changing its meaning.

Mr. BANERJI (India) said the Board could hardly be invested with competence in respect of countries which could not become Parties to the Convention even if they wished to do so. He therefore proposed, as an amendment to the USSR amendment, that the words " a country or territory " in paragraph (*a*) of the United Kingdom amendment (E/CONF.34/C.10/L.3) be replaced by the words " a Party or any country or territory which not being a Party has been furnishing such estimates to the PCOB or the DSB, as also any other country or territory not being a Party which may in future furnish such information, upon being requested to do so, in accordance with article 20 of this Convention,".

Mr. KALINKIN (Union of Soviet Socialist Republics) said he withdrew his amendment in favour of the new Indian amendment.

Mr. BANERJI (India) added that the United Kingdom text dealt only with sources of information, whereas the Indian amendment concerned the competence of the Board; the two amendments were, therefore, quite distinct.

Mr. GREEN (United Kingdom) pointed out that, if the Indian amendment were adopted, a country which was not a Party to the Convention and which refused to furnish information could escape control entirely, since the Board would have no authority to request it to furnish information.

Mr. BANERJI (India) said that, while his delegation was prepared to accept the text in the draft, the Indian amendment was designed to meet the real difficulties mentioned by the USSR representative. Whereas under the USSR amendment any country which was not furnishing information would be authorized never to furnish such information, the Indian amendment sought to make it incumbent on all countries Parties or not which had been furnishing such information up to the present, to continue to do so in the future. It would further enable countries which could not become Parties to the Convention, although they like would to do so, to furnish information voluntarily in the future. The Indian amendment was thus only an attempt to reconcile two conflicting views.

Mr. de BAGGIO (United States of America) said he agreed with the United Kingdom representative that the Indian amendment would render the Board impotent and allow some countries to escape its jurisdiction.

Mr. BUKOWSKI (Poland) said he supported the Indian amendment, which represented a very useful compromise. It embraced all countries which were co-operating, or would co-operate in the future, in narcotics control. The Polish delegation hoped, therefore, that the United Kingdom representative would not take the view that the Indian amendment created a loophole in his draft, but would regard it as a useful addition which would make possible the co-operation of all countries wishing to participate in narcotics control.

The CHAIRMAN put the Indian amendment to the vote.

The Indian amendment was adopted by 11 votes to 10, with 7 abstentions.

Paragraph 1 (a) as thus amended, was approved.

Paragraph 1 (b)

Paragraph 1 (b) was approved.

Paragraph 1 (c)

Mr. BANERJI (India) proposed the insertion, after the word " Parties " in the last line, of the words ", of the Commission," and since it would be only fair to allow the Government concerned to state its point of view, the addition, at the end of the paragraph, of the sentence: " In doing so, the Board shall also inform the Parties, the Commission and the Council of the explanations furnished by the Government concerned, unless there is a specific request to the contrary." Alternatively, that sentence might appropriately appear in paragraph 3.

Mr. RABASA (Mexico) said he agreed that such a provision might be included in paragraph 3. He wondered why paragraph 6 of the draft article, which imposed a definite obligation on States, had been omitted from the United Kingdom amendment. Paragraph 3 should stipulate that the Board should also publish the views of the Government concerned if the latter so requested.

Mr. NIKOLIC (Yugoslavia) said he agreed with the Indian and Mexican representatives.

Mr. GREEN (United Kingdom) said that he saw no objection to the Mexican representative's proposal.

Mr. BANERJI (India) said that what mattered was the idea itself and not where it appeared. There were only slight differences between paragraph 1 (*c*) and paragraph 3.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that sub-paragraph 1 (*c*) and paragraph 3 related to two different stages. In the case covered by paragraph 1 (*c*), when the Board decided to call the attention of the Parties or of the Council to a State where the situation would appear to be unsatisfactory, it was not bound to explain the reasons for its decision. By contrast, paragraph 3 dealt with a later stage where the State concerned could, under the terms of paragraph 2, bring the matter before a higher body, namely, the Council. Paragraph 3 gave the Board the right to publish a report at that time, and it was at that stage that the Board should also publish the views of the Government concerned, if the latter so requested. Consequently, the question where to insert the Indian amendment was not simply a drafting matter; it was a question of principle and deserved some thought.

Mr. RABASA (Mexico) said he thought that paragraph 3 of the United Kingdom amendment was intended to replace paragraph 6 of the draft article, which dealt with the same subject and also came towards the end of the article. Since the Indian amendment was based on paragraph 6, it should be inserted in paragraph 3.

Mr. KOCH (Denmark) said that in his opinion the phrase proposed by India should appear in paragraph 1 (*c*); since article 23 of the draft empowered the Board to publish any report it might consider necessary, paragraph 3 was superfluous.

Mr. BANERJI (India) said that the idea underlying his amendment appeared not only in paragraph 6 of the third draft, but also in paragraph 2 (*b*). While he held no strong views as regards the place where his amendment should be included, he was anxious to ensure that the views of the Parties would be communicated by the Board as a matter of course, unless the State concerned made a request to the contrary. It was only fair that that State should, if it so desired, be able to explain its position to the other Parties, to the Council and to the Commission.

The CHAIRMAN asked the United Kingdom representative whether he would agree to the Indian amendment for the insertion in paragraph 1 (*c*) of the words ", of the Commission,".

Mr. GREEN (United Kingdom) said that he had no objection to it.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said he also supported that amendment. The other Indian amendment should be included in paragraph 3.

The Indian amendment was adopted.

Paragraph 1 (c), as thus amended, was approved.

The CHAIRMAN suggested that the Committee consider next paragraph 3, which had already been discussed to some extent, and then take up paragraph 2.

It was so agreed.

Paragraph 3

Mr. NIKOLIC (Yugoslavia) said he would prefer the wording of paragraph 6 of the third draft, which formulated more clearly the relationship between the Board's decision and its duty to publish the views of the Government concerned, if the latter so requested.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that the Board should not only publish the views of the Government concerned but also communicate them to the Council, which would forward them to the Parties. The additional passage proposed by India should, therefore, be inserted before the end of the paragraph.

Mr. GREEN (United Kingdom) said that the USSR representative's remark was very much to the point. As regards the Yugoslav representative's remark, he personally could see no difference between the two texts and had no preference.

The CHAIRMAN suggested that the Committee approve the following text, subject to any drafting changes:

> " The Board shall have the right to publish a report on any matter dealt with under the provisions of this article and communicate it to the Council, which shall forward it to all Parties. If in this report the Board publishes a decision taken under this article, or any information relating thereto, it shall also publish in the said report the views of the Government concerned, if the latter so requests."

It was so agreed.

Paragraph 3 was approved.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he wished to offer some general observations on the amendment to article 22 proposed by the United Kingdom. Article 22 was based on article 24 of the 1925 Convention which, however, considered the situation from two points of view: that of the State in respect of which the Board recommended sanctions, and that of the States which were being asked to apply them. Under the terms of article 24, the latter States could refuse to carry out the Board's recommendation, and bring the matter before the Economic and Social Council.

The United Kingdom amendment did not contain any clause to that effect. Consequently, if the Committee wished to protect the rights both of the Parties to which sanctions were to be applied and of the Parties which refused to carry out the Board's recommendations, it should make that clear to the Drafting Committee.

Furthermore, it followed from the Committee's decision that, if the Board made a report to the Council it would also publish the views of the Government concerned, if the latter so requested; but that still applied only to the Government in respect of which a sanction was recommended by the Board. By contrast, under article 24 of the 1925 Convention, the Board's report referred not only to that State, but also to the States which were not willing to act upon its recommendation. That was another point on which the Committee might wish to give clear instructions to the Drafting Committee.

The CHAIRMAN said that the PCOB representative's observations would be brought to the notice of the Drafting Committee.

Paragraph 2

The CHAIRMAN said that the Greek delegation had proposed an amendment to paragraph 3 (*b*) of the original draft; that paragraph was covered by paragraph 2 of the United Kingdom amendment.

Mr. GREGORIADES (Greece) said that the purpose of his amendment had been to facilitate the approval of paragraph 4 of the draft. But although that article, relating to mandatory embargo, had been deleted, he felt that the idea embodied in the Greek amendment should be retained, and he was now therefore presenting it as an amendment to the United Kingdom amendment. The first sentence of paragraph 2 of the United Kingdom amendment would become sub-paragraph (*a*) and the second sentence, with the Greek amendment, would form sub-paragraph (*b*), the words " which must " in that amendment being replaced by " The Board may, if it thinks fit " and the words " referred to in sub-paragraph (*a*) " being added at the end.

Mr. KRUYSSE (Netherlands) said he agreed that the treatment of the sick should obviously not be jeopardized; he failed to see, however, how that might arise in a country in respect of which the Board recommended an embargo.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board), while appreciating the Greek delegation's concern, said that the words " take the proper steps " might lead to confusion: they seemed to imply that the Board itself would supply the narcotic drugs, whereas, clearly, the intention was not to impede the dispatch of narcotic drugs for medical purposes.

Mr. ADJEPONG (Ghana) said he supported the Greek amendment. The word " may ", however, was too weak and should be replaced by " must ".

Mr. RABASA (Mexico) said that paragraph 2 of the United Kingdom amendment was very happily worded. It reflected the views of the majority and avoided the use of the term " embargo ", which might have given rise to difficulties. Nothing should be added to it or deleted from it. The motives of the Greek amendment were praiseworthy, but since paragraph 2 was only a recommendation, it was superfluous: should the occasion arise, States would still be free to send narcotic drugs for medical purposes to a State to which paragraph 2 applied, without any recommendation by the Board.

Mr. GREGORIADES (Greece), replying to the Netherlands representative, said that his delegation's amendment provided, for instance, for the case where an epidemic broke out several months after an embargo had been recommended and some easing of the measures was required. The PCOB representative had given an accurate interpretation of the Greek delegation's idea. He agreed, however, that the wording could be improved. He also agreed with the representative of Ghana that the word " must " would be preferable to " may ". It would perhaps be better not to use the word " embargo ", since it did not appear in the United Kingdom text, but to say " the period in which the measures referred to in sub-paragraph (*a*) remained in force ".

Mr. NIKOLIC (Yugoslavia) said he entirely agreed with the Mexican representative.

Mr. GREEN (United Kingdom) said he also agreed with the Mexican representative. However, credit for the wording must go to the authors of the 1925 Convention, one of the clauses of which was reproduced almost word for word. The Greek amendment was unnecessary. The Board would merely recommend the embargo and the Parties would take various factors into account in applying the recommendation; the needs of the sick would certainly be among them. The Greek amendment might have the opposite effect to that desired by its author: without the clause, the Parties could take the needs of the sick into account, but, if it were adopted, it might be interpreted as meaning that they should not do so unless they received explicit instructions from the Board. It would therefore be preferable to leave the matter to the discretion of the Parties, as had been done since 1925.

Mr. AZARAKHSH (Iran) said he must compliment the representative of Greece on the humanitarian considerations which had prompted his amendment, but the extremely flexible wording of paragraph 2 did not appear to justify any concern and the additional clause seemed unnecessary.

Mr. de BAGGIO (United States of America) said that the sick should certainly not be made to suffer as the result of the situation envisaged in paragraph 2. However, in his delegation's view, the terms of paragraph 2 offered sufficient protection and rendered the Greek amendment superfluous. If, on the other hand, the Committee thought that it should be adopted, he would have no objection.

Mr. KRUYSSE (Netherlands) pointed out that measures such as those specified in paragraph 2 would rarely be applied; they had never been applied since 1925,

and, in any case, he was convinced that the Board would not recommend anything which might lead to a violation of humanitarian principles. Moreover, if the situation envisaged by Greece were to arise, Governments could easily consult the Board, which maintained close contact with the control authorities in the different countries. It would therefore be superfluous to add the suggested paragraph to the United Kingdom text.

Mr. GREGORIADES (Greece) explained that his amendment had been intended to enable any State, in the event of an epidemic, to supply drugs to the State in respect of which the embargo had been imposed; it would have been better for such action to be taken on the Board's recommendation. However, as the present system had been working satisfactorily for several years and States seemed always to have sought the advice of the PCOB before exporting drugs to a country in respect of which an embargo had been imposed, he would withdraw his amendment.

Mr. BANERJI (India) pointed out that, since the Commission was mentioned in paragraph 1 (*c*), it should also be mentioned in the first line of paragraph 2.

It was so agreed.

Paragraph 2, as amended, was approved.

Paragraph 4

Paragraph 4 was approved.

Paragraph 5

Mr. BUKOWSKI (Poland) pointed out that paragraph 5 was linked with an amendment by Poland to article 16, which was due to be considered by another Committee. He suggested that the Committee defer a decision on paragraph 5 until a decision had been taken on article 16.

Mr. BANERJI (India) said he supported that suggestion, but if the Committee decided to consider paragraph 5 immediately, he would be in favour of a two-thirds majority.

Mr. GREEN (United Kingdom) said he was quite prepared to accept the Polish representative's suggestion if it was permissible under the rules of procedure.

Mr. NIKOLIC (Yugoslavia) proposed that the Committee decide that the decision of the Committee dealing with article 16 should also apply to paragraph 5.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) asked whether the United Kingdom representative was prepared to modify his amendment to provide for a two-thirds majority.

Mr. GREEN (United Kingdom) replied that there was little to choose between a majority of five and a majority of six votes.

Mr. BANERJI (India) said that it was all a question of procedure. Since the United Kingdom representative was prepared to accept a two-thirds majority, the Committee could consider paragraph 5 approved, with that amendment; if the Polish amendment to article 16 were subsequently adopted, the Drafting Committee could delete paragraph 5.

Mr. BUKOWSKI (Poland) said he supported that view.

The CHAIRMAN suggested that, in its report to the Conference, the Committee state that it had considered that decisions of the Board under article 22 should be taken by a two-thirds majority, and that if article 16 were amended to that effect, the Drafting Committee might consider deleting paragraph 5.

It was so agreed.

Paragraph 5 was approved.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) drew the Committee's attention to the fact that article 22 of the draft reproduced article 24 of the 1925 Convention. However, under paragraph 7 of the latter article, any country was invited to be represented at a meeting of the Central Board at which a question directly interesting it was being considered. That provision applied equally to a State on which a sanction had been imposed and to a State which was not prepared to apply the sanction. Both States had the right to be heard. It would be advisable to include a similar provision in article 22.

Mr. RABASA (Mexico), Mr. DANNER (Federal Republic of Germany) and Mr. NIKOLIC (Yugoslavia) supported that suggestion.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic), also agreeing, said that such a provision was common practice in international law. It could be included either in article 22 or in a separate article immediately following article 22.

Mr. GREEN (United Kingdom) pointed out that, in the 1925 Convention, paragraph 7 of article 24 only applied in respect of a recommended embargo. It was therefore unnecessary to apply it also to requests for explanations and information and to the decisions of the Board.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said he disagreed. Article 22 concerned not only requests for information, but also the examination of the explanations given and of the decisions relating to the import of drugs into a given country. It was therefore right that the Party concerned should be invited to the meetings.

The CHAIRMAN suggested that it be recommended that the Convention should include a provision similar to paragraph 7 of article 24 of the 1925 Convention, to be inserted wherever the Drafting Committee saw fit.

It was so agreed.

Article 22, as re-drafted in the United Kingdom amendment (E/CONF.34/C.10/L.3) and since amended, was approved.

The CHAIRMAN declared the Committee's consideration of article 22 concluded.

The meeting rose at 5.35 p.m.

10. *Ad hoc* Committee on Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft

FIRST MEETING

Tuesday, 7 March 1961, at 11.20 a.m.

Acting Chairman: Mr. YATES
(Executive Secretary of the Conference)
Chairman: Mr. BLOMSTEDT (Finland)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. ARVESEN (Norway) proposed Mr. Blomstedt (Finland).

Mr. BELONOGOV (Union of Soviet Socialist Republics), seconded and Mr. BOULONOIS (Netherlands), Mr. GREEN (United Kingdom), Mr. CURRAN (Canada), Mr. ESTABLIE (France), Mr. BANERJI (India), Mr. NIKOLIC (Yugoslavia), and Mr. RABASA (Mexico) supported the proposal.

Mr. Blomstedt (Finland) was elected Chairman by acclamation and took the Chair.

Consideration of Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/C.11/L.1-4)

Article 7 (Constitutional position and continuity of function)

The CHAIRMAN said the Committee had been set up at the twenty-fifth plenary meeting to consider articles 7, 10, 11, 13-16, 19 and 23, all of which were contained in Chapter IV, International Control Organs. He invited the Committee to consider first article 7.

Mr. GREEN (United Kingdom) proposed that article 7 be deleted. The Commission was a functional commission of the Economic and Social Council, and it was therefore the responsibility of the Council and not of the Conference to prescribe its constitutional position and membership.

Mr. BAGGIO (United States of America) supported the United Kingdom representative's proposal.

Mr. DANNER (Federal Republic of Germany) said that he had asked in the plenary meeting whether States which were not members of the United Nations could be members of a functional commission of the Council. He now asked whether the Secretariat could reply to that question.

Mr. ASLAM (Pakistan) asked if the Secretariat could state whether the Conference, which was assigning certain functions to the Narcotics Commission, was competent to decide its constitutional position. It was his understanding, in the light of the explanations given by the Legal Adviser in the plenary meeting, that the Conference could define the position of the Commission, but that any decisions of the Conference were subject to approval by the Council.

Mr. WATTLES, Legal Adviser, in reply to the question asked by the representative of the Federal Republic of Germany, said that the participation of States which were not Members of the United Nations in the functional commissions of the Council did not in itself raise difficulties. Some States which were not Members of the United Nations were members of the regional economic commissions and could also be represented in the Council's functional commissions. All that was needed in such cases was an amendment of the commission's terms of reference and rules of procedure.

In reply to the Pakistan representative, he said that if the Commission was to be an organ of the Council, the Council would have to establish it and define its membership, functions and powers. The Conference could make proposals to the Council and, since the Commission would not only have responsibilities under the Charter but also functions under the Convention, there was no doubt that the Council would give those proposals due consideration. Moreover, since it was the Council that had submitted the third draft to the Conference, it could be assumed that it had no serious reservations about any part of it.

Mr. LIANG (China) said that it was his understanding that the Conference had agreed in plenary meeting that the Commission's membership would be determined by the Council. He supported the United Kingdom representative's proposal.

Mr. BOULONOIS (Netherlands) said that the best way for the Conference to inform the Council of its views might be to adopt a resolution on the subject.

Mr. YATES, Executive Secretary, said that there were no difficulties in regard to the Commission's functions: the Commission had a number of functions under the Charter and another set of functions under the present Convention. The difficulties had to do with its membership, and in view of the differences of opinion on that matter, it might be best for the Conference to submit to the Council any suggestions it thought might be useful.

Mr. BANERJI (India) said that under Article 62 of the Charter, the Economic and Social Council could either prepare its own draft conventions for submission to the General Assembly, or call an international conference. In the present case, the Council had chosen the second course. The question was whether the Conference could or could not include more or less detailed provisions in the Convention concerning the Commission's constitutional position. He did not wish to prejudge a decision on article 7, with regard to which his delegation had no fixed view, but it was hard to see why the Council should call a plenipotentiary Conference if it intended that decisions of the Conference should be submitted for approval by the General Assembly through the Council; if that had really been its intention, a meeting of experts would have seemed sufficient.

Mr. ASLAM (Pakistan) said he would like some further clarification of the Commission's functions. The Executive Secretary had said that it had functions under

the Charter. Did that mean that it would have functions other than those assigned to it under the Convention ? If the latter functions were the only functions the Commission was to have, it would seem natural for the Commission's constitutional position to be defined by the Conference.

Mr. ACBA (Turkey) said that the Commission was established under article 5 of the Convention and that its functions were defined in article 11. It was natural that its constitutional position should be set out in article 7. In the light of the explanations given by the Legal Adviser and the Executive Secretary, there seemed to be no difficulty in that respect. Economic and Social Council resolution 199 (VIII), which established the status of the present Commission on Narcotic Drugs, was not sufficient. In view of the new functions assigned to the Commission, it was desirable that the text of the Convention should contain provisions concerning the constitutional functions of the Commission, without going into excessive detail.

Mr. NIKOLIC (Yugoslavia) said the Conference had been convened for the purpose of drawing up an instrument that would be as self-contained as possible. The Convention regulated the composition of the Board and the Secretariat, and it would be illogical if it contained no provision concerning the composition of the Commission, which was to be one of the main organs responsible for applying the Convention. The Legal Adviser had more than once said that there was no problem in that respect. The substance of article 7 should therefore be retained: any changes of form could, if necessary, be considered later.

Mr. WATTLES, Legal Adviser, said the Indian representative was correct in stating that, when considering the adoption of a convention, the Council had the choice, under Article 62 of the Charter, between two methods: it could either prepare a draft convention itself or it could call an international conference; in the present case it had chosen the second course.

In reply to the representative of Pakistan, he explained that the Narcotics Commission would have functions under both the Charter and the Convention. Article 68 of the Charter authorized the Council to set up such commissions as might be required for the performance of its functions. However, the Council could only recommend; it could not impose any obligation on Governments. The functions of the Commission under the Charter were defined in Council resolution 9 (I); those functions did not empower the Commission to impose any obligation on States. On the other hand, under the present Convention, the Commission could impose on States Parties any obligation deriving from the Convention.

Mr. GREEN (United Kingdom) said that the Conference, being a plenipotentiary conference, could have established a new commission for the purpose of applying the Convention, just as it was going to establish a new Board, but had preferred to expand the powers of the existing Commission on Narcotic Drugs, which had been set up by a resolution of the Economic and Social Council. In the future, the powers of the Commission would derive from two sources, the Council resolution and the Convention; decisions taken by the Commission in the exercise of its powers under the Council resolution would not be binding on States, whereas under the provisions of the Convention the Commission would be able to impose obligations on Governments. Nevertheless, since the Commission would still be an organ of the Economic and Social Council, the Conference could not take a decision with regard to its composition. On the other hand, it could say how the Commission would perform its additional functions under the Convention.

It must be remembered that, in adopting article 5 and thereby deciding that the Commission referred to in that article would be the Commission set up by the Economic and Social Council, the plenary Conference had already settled the question of the Commission's composition in principle.

Mr. RABASA (Mexico) said that the Economic and Social Council had set up the Commission on Narcotic Drugs in virtue of the right conferred on it by Article 68 of the Charter. The Conference was not competent either to establish a functional commission of the Council, or to approve the existence of such a commission or to abolish it if it already existed, even subject to the Council's approval. However, if it was agreed that a plenipotentiary conference could discuss the question, then it might just as well keep a commission that already existed. The Legal Adviser had suggested that when the Convention was signed the Conference should forward its recommendations concerning the status and functions of the Commission established by the Convention to the Economic and Social Council in the form of a resolution. It seemed strange to him that such a procedure should be considered possible. If it was agreed that the Conference should confer additional powers on a Narcotics Commission whose existence continued to depend on the Council, he questioned the logic of giving special powers to a body that could be abolished by a resolution. Moreover, such a resolution would be adopted by States some of which were not represented at the Plenipotentiary Conference, while there were other States represented at the Conference which were not members of the Council. The Plenipotentiary Conference should be able to choose the solution it thought best, subject to the provisions of the Charter. If powers were given to an organ which depended on another organ, the Convention should make it clear whether it was a new commission that was being set up or whether the existing Commission on Narcotic Drugs was being retained. If the functions of the Commission were enumerated in the Convention, its constitutional position must be clearly stated.

Mr. YATES, Executive Secretary, said that he did not share the misgivings of certain delegations. The Convention did not create a new situation, different from that which had existed for fifteen years. In his opening statement on 24 January, Mr. Narasimhan had said that the Commission on Narcotic Drugs would continue to have a dual source of authority and a dual set of func-

tions: on the one hand under the Convention, and on the other under the Charter as a functional commission of the Economic and Social Council. In practice, that dual role had caused little difficulty and had had the very great advantage of introducing considerable flexibility in areas where flexibility was particularly valuable, since a system established under a convention could not always readily be adjusted to meet new situations. The Commission, under part of its authority derived from the Charter, had for instance been able to supplement the convention system by means of technical assistance. There was less difficulty if the question of functions was considered separately from that of the composition of the Commission. Its composition depended on the Economic and Social Council, under Article 68 of the Charter. The Conference might have chosen one of three solutions: it could have set up a different kind of commission — but by adopting article 5 it had decided not to do so; it could have expressly confirmed the existing situation; or it could have gone on the assumption that the Commission on Narcotic Drugs would continue to exist. In fact the second and third solutions came to much the same thing. Since the Conference had not seen fit to set up a new Commission, it would seem better to leave it to the Council to reconsider the composition of the Commission.

Mr. ACBA (Turkey) said it seemed to him that the Council had chosen to call a conference of experts because it wanted expert advice; the Conference was therefore expected to submit proposals to the Council. Since article 5 set up an International Narcotics Commission, it was logical to define the constitutional position and composition of the Commission in the Convention and to submit them to the Council for approval. As the Mexican representative had said, the Conference, as a plenipotentiary conference, should be able to choose the solution it thought best. As no delegation was proposing a formal amendment, other than the amendment to delete article 7, he supported the suggestion of the Indian delegation in the plenary meeting that the Commission should continue to be a functional commission of the Economic and Social Council, its functions and constitutional position being determined by the Convention.

Mr. BANERJI (India) said that, since the purpose of the Convention was to replace existing treaties and to obtain the largest possible number of accessions, it should be self-contained. The Conference had not been called in order to establish a functional commission of the Economic and Social Council. He did not see the connexion between Article 62, paragraph 4, and Article 68 of the Charter. In 1946, United Nations bodies had presumably had to set up functional commissions because they did not exist at that time. However, since the Council had now instructed a plenipotentiary conference to replace the existing treaties by a new convention, the resolutions it had adopted in 1946 and 1949 could very well be replaced by article 7 of the Third Draft. The Conference could at least take a position in principle and decide what the constitutional position of the Commission was to be. If delegations were allowed twenty-four hours, some of them might come forward with specific proposals different from the United Kingdom amendment.

Mr. YATES, Executive Secretary, said that the problem mentioned by the Indian representative bore some similarity to the situation under the League of Nations. In 1920, the League had set up the Opium Advisory Committee; the 1925 Convention had set up the Permanent Central Opium Board without assigning new functions to the Advisory Committee; on the other hand, the 1931 Convention had extended the Advisory Committee's functions.

Mr. NIKOLIC (Yugoslavia) said that he fully endorsed the views expressed by the Mexican representative. The problem to his mind was not quite as it had been stated by the United Kingdom representative. The Commission on Narcotic Drugs was being assigned important functions in the field of narcotics, and at the same time it was being said that its functions were determined by the Charter and the Convention. If, as was claimed, the Commission was merely a functional commission of the Economic and Social Council, it was necessary to take into account the possibility that the Council might decide to abolish it, and to consider what, in that eventuality, would become of its functions under the Convention. It was impossible to assign important tasks to the Commission without knowing what its position would be.

Mr. CURRAN (Canada) said that there was nothing in article 5 to indicate that the text referred to the Council Commission on Narcotic Drugs; the confusion would be still worse if article 7 were deleted. If it was a new body that was envisaged, the Conference should define its status and composition. In any case, the legal position of the commission envisaged should be made absolutely clear in order to avoid any possibility of misunderstanding on the question of to whom the Commission would be responsible.

Mr. ESTABLIE (France) said he did not think it was necessary to consider the establishment of a new organ, because the functions of the Council Commission on Narcotic Drugs fitted the purposes of the Convention. There was therefore no need to include in the Convention an article on the position of the Commission, and he agreed with the United Kingdom representative that article 7 should be deleted. The Convention need only set out the new functions that would be assigned to the Commission under article 11. However, if article 7 were deleted, it would have to be clearly stated, either in article 5 or in the definitions, that the commission referred to was the Council Commission on Narcotic Drugs.

Mr. CURTIS (Australia) said he supported the proposal for the deletion of article 7. The Commission mentioned in article 5 was the Council Commission on Narcotic Drugs. That could be made clearer if necessary, but there was no need to define the status or composition of an existing organ. It would be sufficient simply to list any special functions to be assigned to the Commission under the Convention.

Mr. WIECZOREK (Poland) said that, if the commission referred to in the Convention was the Council Commission on Narcotic Drugs, that fact should be clearly indicated. In order to avoid differences of interpretation, it should be stated in the definitions that " International Narcotics Commission " meant the United Nations Commission on Narcotic Drugs. The need for such clarification was all the greater in view of the Drafting Committee's decision to retain article 5 (*a*). The Convention would have to include provisions relating to tne composition of the Commission. As the Commission was a part of the United Nations machinery, the Conference could not modify its composition without consulting the Economic and Social Council and, perhaps, the General Assembly. In any case, the composition of the Commission was not governed by technical considerations only; it also reflected political and legal considerations which were the concern of the Economic and Social Council, not the Conference.

Mr. de BAGGIO (United States of America) said that he had suggested in the plenary meeting that the name of the Commission mentioned in the Convention should be changed in order to avoid any ambiguity, but no decision had been taken on the matter and the question had been referred to the Drafting Committee. In the light of the discussion in the present Committee, it appeared that it might be desirable to provide for the creation of a new commission in the Convention, on the understanding that its functions would be carried out by the present Commission on Narcotic Drugs as long as the latter remained in existence and was prepared to carry out those functions, but that, if at some future date the present Commission ceased to exist, it would automatically be replaced by the new organ.

Mr. ACBA (Turkey) felt that it would be preferable not to take an immediate decision on the United Kingdom amendment, in order to allow the other delegations which had made suggestions sufficient time to prepare amendments for formal submission to the Committee.

Mr. CURRAN (Canada) said that if the consensus of opinion was that the Commission mentioned in the Convention was the Council Commission on Narcotic Drugs, it would be better to make that clear in the definitions, as had been suggested. The United States representative's suggestion should also be taken into account, since it might face the Parties to the Convention with difficulties if for any reason the present Commission ceased to exist.

Mr. BANERJI (India) said that the mere deletion of article 7 would not solve the problem. If the commission referred to was the existing functional commission of the Economic and Social Council, which was a point that should first be settled, then the fact should be clearly indicated not only in the definitions, but also in article 5, or in some other place in the definitive text to be decided by the Drafting Committee.

Mr. GREEN (United Kingdom) pointed out that, according to the summary records of the plenary meetings, no definite decision had been taken with regard to the commission envisaged in the Convention but that nobody had raised any objection when the United States representative had said that the commission was to be a functional commission of the Economic and Social Council. In the circumstances, it should be made clear in article 5 (*a*), as the Polish representative had suggested, that the body referred to was the Council Commission on Narcotic Drugs. Incidentally, it was most unlikely that the Council, which took a special interest in the question of narcotic drugs, would decide to abolish the Commission at some future date. There was therefore no need to provide for that possibility in the Convention.

Mr. ESTABLIE (France) pointed out that the Drafting Committee had retained article 5 because articles 7 and the definitions had not been considered. However, there was no doubt that what was meant was the Council Commission on Narcotic Drugs. If article 7 were deleted, it would naturally be necessary to state, either in article 5 or in the definitions, that the Commission referred to was the Council Commission. It was with those considerations in mind that he had supported the United Kingdom proposal for the deletion of article 7.

Mr. TABIBI (Afghanistan) suggested that it would be better not to take an immediate decision on the United Kingdom proposal and that the Committee first consider the changes necessary to produce a text acceptable to all delegations. The best solution would be to make it clear in article 5 (*a*) that the body referred to was the functional commission of the Economic and Social Council. It was also desirable that the text of the Convention should recognize the authority of the Council and that the Conference should submit its recommendations to the Council in a resolution, in accordance with the usual practice of international conferences convened by the Council. The Council would certainly take the special competence of the Conference into account when it took a final decision.

The meeting rose at 1.10 p.m.

SECOND MEETING

Tuesday, 7 March 1961, at 3.10 p.m.

Chairman: Mr. BLOMSTEDT (Finland)

Consideration of Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/L.6, L.7, L.12; E/CONF.34/C.11/L.2) (*continued*)

Article 7 (Constitutional position and continuity of function) (*continued*)

The CHAIRMAN invited the Committee to continue its consideration of article 7.

Mr. GREEN (United Kingdom) said that he now wished to modify the proposal he had made at the previous meeting that the whole of article 7 be deleted;

he now proposed that paragraph 1 be retained and only paragraph 2 be deleted. He had no strong feelings about the actual wording, provided that it made clear that the duties imposed by the Convention should, for the time being, be exercised by a functional commission of the Economic and Social Council. The Drafting Committee could be asked to find an appropriate wording later.

Mr. BANERJI (India), supporting the United Kingdom proposal, said it was essential that the Convention should provide a constitution for the Commission but that the Conference was free to delegate its powers in that respect to the Council.

Mr. CURRAN (Canada), speaking as Chairman of the Drafting Committee, said that if the United Kingdom proposal were adopted, a consequential amendment to article 5 would be needed and the words " the International Narcotics Commission " replaced by the words " the Commission on Narcotic Drugs ", the appropriate functional commission of the Council.

Mr. RABASA (Mexico) said that the continued existence of the Commission on Narcotic Drugs at present depended entirely on the decision of the Council. It was therefore necessary to provide in the Convention for its continuation independently of the Council. That was made perfectly clear in article 7, paragraph 1. He therefore supported the United Kingdom proposal.

Mr. GREEN (United Kingdom) said that that had not been the intention of his proposal, which was that the Convention should provide that the Commission entrusted with functions under the Convention should be a functional commission of the Council. He could not support the idea that a commission should be set up by the Convention.

Mr. ASLAM (Pakistan) said he had gathered from the debate that many delegations felt that there should be some way for the Conference to express its views on the composition of the Commission, either by inserting a provision in the Convention or by adopting a resolution on the subject. If reference were made merely to the Commission on Narcotic Drugs, that would not convey the Conference's views on its composition. If the United Kingdom proposal were adopted, he would raise the question again in plenary meeting.

Mr. BANERJI (India) said it was essential that the Convention should contain a clear statement, either in article 7 or in article 5, of the principle that the Commission's authority derived from the Convention, although that authority could be delegated to the Council. He was perfectly willing that it should be a functional commission, but its authority under the Convention derived from the Convention itself. Until the arrangements for the entry into force of the Convention were completed, the present Commission on Narcotic Drugs could perform the functions required.

Mr. GREEN (United Kingdom) said that, since his proposal that only paragraph 2 of article 7 be deleted had given rise to considerable misunderstanding, he now withdrew it and reintroduced his original proposal that the whole article be deleted. If that were done, the consequential amendment to article 5 indicated by the Chairman of the Drafting Committee would have to be made.

Mr. NIKOLIC (Yugoslavia) said that, while he had no objection to the Commission's being a functional commission of the Council, he agreed with the Pakistan representative that the Conference should give the Council some indication of its wishes regarding the composition and terms of reference of the Commission. The Council would no doubt welcome the views of the Conference, at which many more countries were represented than on the Council.

Mr. ACBA (Turkey) said it would be better if the Convention contained a provision regarding the composition and terms of reference of the Commission, even if it was to be a functional commission of the Council.

Mr. WIECZOREK (Poland) said that the natural place for such a provision was article 5, which was unequivocal. The Commission's authority under the Convention would derive from that article. The same result might have been obtained by re-drafting the first paragraph of article 7, but article 5 seemed the natural and logical place for such a provision.

M. BOULONOIS (Netherlands) said he agreed that article 7 could be deleted. A provision dealing with the actual status of the Commission could be included in any one of a number of places, for instance, in article 1 (*g*) or in article 5 (*a*), which could be amended to state that the Commission should be a functional commission of the Council. It did not matter how it was done, but it was necessary to state specifically that some of the functions under the Convention were entrusted to the present Commission on Narcotic Drugs. It was not necessary to insert a provision regarding the composition and constitution of the Commission.

Mr. RABASA (Mexico) said it was not quite true that the necessary reference to the Commission could be inserted in any one of a number of places in the Convention, for some parts were only declaratory. That was so, for instance, in the case of a definition. The reference could not, therefore, be inserted in article 1 (*g*). Article 5 was intended to transfer functions to existing or future international organs, but did not establish any such organs. Article 7, therefore, was the only place in which a provision constituting the Commission could find a place.

The Conference had to decide whether it wanted the existing Commission on Narcotic Drugs to continue to be exclusively dependent on the decision of the Council, or whether the Commission was to have life and authority under the Convention itself. He did not wish a separate new commission to be set up under the Convention but he did want whatever Commission was called upon to fulfil its functions under the Convention to be invested with the authority which only the Convention

could confer. There was no objection to the delegation of powers to the Council, but the legal position must be quite clear.

Mr. WATTLES, Legal Adviser, said that the Conference was faced with some very clear alternatives in its decision regarding the organs which were to carry out functions under the Convention. First, they could be set up either within the United Nations or outside it. For at least the last thirty-five years, the practice had been to establish organs within the framework of an international organization. If the organ, in the present case the Commission, was to be set up within the United Nations, the Conference must decide either that it was to be a functional commission of the Council or that it was to be some other body; but it was difficult to see how it could be set up except under Article 68 of the Charter, which related to the establishment of commissions by the Council. Any other solution would involve great legal and practical difficulties. First, the question of the organ's status would have to be decided. Secondly, the Council might not be willing to accept a body that was not one of its functional commmissions; there was every reason to believe that the Council, which had transmitted the third draft to Governments, was willing to have the functions required under the Convention performed by one of its functional commissions, but its attitude to any other body was a matter for conjecture. Thirdly, if the organ was established outside the United Nations, many practical details such as its constitution, the method of appointing its staff, and so on, would have to be defined.

Obviously, the most logical and economical solution was a functional commission. However, a distinction must be made between the organization of the Commission and its powers. While the most appropriate body was a functional commission, there was nothing to prevent additional powers being conferred upon it under the Convention; that could be done without giving it two different legal bases.

The Conference could make any recommendations it saw fit to the Council regarding the way in which the Commission should be set up, either in the form of a recommendation in the Final Act of the Conference or as a specific provision in the Convention itself. If the latter alternative were adopted, the Council would be faced with a choice, either to agree to act along the lines indicated or to refuse the functions the Conference wished to confer on it. He did not think that the Conference would wish to place the Council in such a position.

Mr. CURRAN (Canada), speaking as Chairman of the Drafting Committee, asked whether the following amended wording for article 5 reflected the wishes of the Conference:

> "The Parties, recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust the United Nations Commission on Narcotic Drugs of the Economic and Social Council and the International Narcotics Control Board with the functions assigned to them under this Convention."

Mr. BANERJI (India) said that, as the draft of the Convention had been under discussion for many years, he was a little surprised that the United Kingdom had not previously raised objections to article 7; as far as he was aware from the footnote to the text, it had not done so. The proposal to delete that article had given rise to a discussion on principles which were already broadly accepted. Whether the Commission was to be a functional commission or not was not so material; the point on which there was general agreement was that it should be within the framework of the United Nations. That idea was clearly expressed in the text of article 5 proposed by the Chairman of the Drafting Committee.

Mr. GREEN (United Kingdom) pointed out that the deletion of article 7 had first been proposed by the United States of America. The critical comments of his own Government on article 7 were to be found on page 56 of the comments on the Single Convention (E/CONF.34/1). What the Conference now had to decide was whether the functions of the Narcotics Commission under the Convention were to be assigned to the present Commission on Narcotic Drug or to another commission which would derive its authority from the Convention.

Mr. RABASA (Mexico) said he had never intended to suggest that a new commission should be created under the Convention. The only question he had wished to raise was whether the Commission's authority was to continue to derive from the Council only, or was to derive partly from the Convention once it came into force. He had never even considered the idea of its being outside the United Nations.

Mr. BANERJI (India), associating himself with the remarks of the Mexican representative, said the proposed new text for article 5 would meet the legal point.

Mr. WIECZOREK (Poland) said that the point could easily be settled if the United Kingdom representative would accept the text proposed by the Chairman of the Drafting Committee; a vote on that could be taken immediately.

Mr. GREEN (United Kingdom) said that that text was entirely acceptable to him.

Mr. DANNER (Federal Republic of Germany) said he objected to the reference to the United Nations Commission on Narcotic Drugs in the text put forward by the Chairman of the Drafting Committee. That Commission was one of the functional commissions of the Council and non-member States could not become members of it unless the rules governing the composition of those commissions were amended.

The CHAIRMAN put to the vote the amended wording for article 5 proposed by the Chairman of the Drafting Committee, on the understanding that it was to be referred to the Drafting Committee.

The proposed amended wording for article 5 was approved by 16 votes to none, with 6 abstentions.

Mr. CURTIS (Australia), supported by Mr. RABASA (Mexico), suggested that, in order to avoid any misunderstanding, it might be advisable to take a vote on the deletion of article 7, paragraph 1.

The CHAIRMAN said that it would be better to vote first on the United Kingdom proposal for the deletion of article 7 as a whole.

Mr. BANERJI (India) suggested that, if such a vote were taken, it should be on the assumption that article 5 had been amended as proposed by the representative of Canada.

The CHAIRMAN said that that point would be made clear in the Committee's report.

The United Kingdom's proposal for the deletion of article 7 was adopted by 17 votes to 5, with 1 abstention.

Article 10 (Decisions and recommendations)

The CHAIRMAN invited the Committee to consider article 10, to which the United Kingdom had submitted an amendment (E/CONF.34/C.11/L.2).

Mr. GREEN (United Kingdom) said that the purpose of article 10 was to establish the Council's right to review the exercise by the Commission of the functions assigned to it under the Convention. However, the present drafting of the article was unnecessarily elaborate and might unduly restrict the work of the Commission. Article 11 (*g*) provided in the most general terms for the Commission to make such recommendations as it might consider useful for the implementation of the aims and provisions of the Convention. Similar recommendations made by the Commission to Governments in the past had been reviewed by the Council only to the extent to which it discussed the Commission's annual report. Under the third draft, however, those recommendations would be subject to specific approval or modification by the Council. The United Kingdom delegation felt that that difficulty could at least be mitigated by its proposed amendment to paragraph 1, which would leave the existing relationship between the Council and the Commission undisturbed and enable the Council to give such consideration to the Commission's decisions and recommendations as it thought necessary.

Mr. ASLAM (Pakistan) said he did not quite understand what was meant by the reference in the United Kingdom amendment to " other decisions or recommendations of the Commission ". With regard to paragraph 1 (*a*), he felt that since an elaborate appeal procedure was laid down in article 3, it was unnecessary to specify a time-limit for the exercise of the Council's right; he was therefore opposed to the inclusion of the words " to be exercised not later than at its first regular session commencing after the end of the session of the Commission at which a decision or recommendation was adopted ". He also felt that paragraphs 1 (*b*) and (*c*) were redundant, since the Council was automatically empowered to approve any decisions of the Commission.

Mr. ARVESEN (Norway) said that the passage in paragraph 2 beginning " upon the receipt of a notification . . ." should be clarified by the Drafting Committee. Provided it was understood that some time must inevitably elapse before the Commission's new decisions could be implemented, he could accept paragraph 2, though the wording might be improved.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he supported the United Kingdom amendment to paragraph 1 which eliminated certain provisions that might be construed as giving the Council restrictive powers. Paragraph 2 should be examined carefully by the Drafting Committee so that the wording might be improved.

Mr. YATES, Executive Secretary, said he understood the words " other decisions " in the United Kingdom amendment to mean decisions taken and carried out under the Commission's Charter functions. The usual procedure was at present that minor decisions by the Commission which had not been controversial, which had no financial implications and which, if they concerned a specialized agency, had been accepted by that agency, were usually implemented without waiting for action by the Council. The Convention would, however, presumably not be concerned with such minor decisions. As a general rule, decisions other than minor decisions were not implemented until the Commission's annual report had been considered by the Economic and Social Council. In accordance with the request made by the Council to its functional commissions, the Commission usually embodied important decisions in draft resolutions. The Council then considered the report and the draft resolutions and took a decision, which was normally implemented from the date of its adoption. There was one important exception to that rule; decisions involving significant expenditure had to await consideration by the General Assembly. If the General Assembly made the requisite budgetary appropriations, the decision was implemented the following year.

Mr. RAJ (India) said he was disturbed that paragraph 2 did not specify what period of time was to elapse between the notification of decisions and their implementation. On that point the Committee should be guided by the re-draft of article 3, paragraph 7, prepared by the Drafting Committee (E/CONF.34/15) and by the Drafting Committee's footnote to that paragraph. He therefore proposed that the words " and the Parties shall thereupon take such action as may be required under this Convention " be added to paragraph 2, to bring it into line with article 3, paragraph 7.

Mr. CURRAN (Canada) said he supported the Indian representative's proposal for paragraph 2. In the Drafting Committee it had been generally understood that the commentary to be issued on the Convention would state that a reasonable time must be allowed for implementation of decisions, where appropriate. With the addition of the words proposed by India and the explanatory note, no confusion or misunderstanding should arise.

Mr. NIKOLIC (Yugoslavia) said he supported the United Kingdom amendment to paragraph 1 (E/CONF. 34/C.11/L.2). As regards paragraph 2, he felt that a Party should have the right to appeal against a decision of the Commission which had not received the approval of the Economic and Social Council, before that decision came into force.

The CHAIRMAN put the United Kingdom amendment (E/CONF.34/C.11/L.2) to the vote.

The United Kingdom amendment was unanimously adopted.

Mr. CURRAN (Canada) said he wondered whether there was any real need to retain paragraph 2.

Mr. WATTLES, Legal Adviser, said that the functions of the Commission as defined in article 11, with the exception of the function mentioned in paragraph (*a*), could not be regarded as coming into force in respect of the Parties. Therefore, paragraph 2 of article 10 would not seem to be necessary, since the decisions and recommendations of the Commission, except for those taken in accordance with article 3, did not come into force in respect of the Parties.

Mr. YATES, Executive Secretary, referring to article 10 in general, said he did not think the intention of the drafters had been to make a radical change in the distribution of work as between the Commission and the Council, but simply to give a more formal opportunity for review by the Council. He agreed that paragraph 2 no longer appeared to be necessary.

Mr. WIECZOREK (Poland) formally proposed the deletion of paragraph 2.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he had at first thought that paragraph 2 should be considered by the Drafting Committee, but was now convinced that it was redundant and should be deleted.

The CHAIRMAN put to the vote the Polish amendment to delete paragraph 2.

The Polish amendment was adopted by 16 votes to none, with 5 abstentions.

Article 10, as then amended, was approved.

Article 11 (Functions of the Commission)

The CHAIRMAN invited the Committee to consider article 11, to which Turkey had submitted an amendment (E/CONF.34/L.6).

Mr. de BAGGIO (United States of America) suggested that the opening words of the paragraph " The Commission shall " be amended to read " The Commission is authorized to ".

Mr. ACBA (Turkey) said that his delegation's first amendment was for the deletion of paragraph (*b*) (iii) which assigned to the Commission functions outside its competence. With regard to paragraph (*j*), his delegation maintained its proposal that, if the provision were retained, the words " in the field of narcotic drugs " be added after the last word " direct ", but withdrew its proposal for a new paragraph (*k*), the decision to delete article 9 having removed the need for that amendment.

Mr. GREEN (United Kingdom) suggested that the words " changes in " be inserted between the word " determine " and the words " the composition " in paragraph (*a*). With regard to paragraph (*d*), no one could prevent the Commission from discussing information at its disposal, and in any case that function was already covered by paragraph (*a*); paragraph (*d*) should therefore be deleted. Paragraph (*f*) was merely an instance of the function described in paragraph (*g*); it could therefore either be dropped or included in paragraph (*g*). Paragraph (*h*) was superfluous, since the Commission had an inherent right to perform those functions. Paragraph (*i*) should be re-drafted to make it clear that the intention was simply to draw the attention of non-parties to decisions and recommendations of the Commission in the hope that they would comply with them. Paragraph (*j*) should be deleted. Lastly, unlike the other provisions of article 11, paragraph (*c*) (ii) provided for substantive measures and would be more appropriately included in articles 27 and 28; the attention of the Drafting Committee should be drawn to that point.

Mr. ESTABLIE (France) suggested that, since the Conference would have to determine whether to adopt one or both of the amendment procedures outlined in article 54, consideration of paragraph (*b*) (iii), which dealt with amendment procedure, be deferred until article 54 was discussed. Paragraphs (*f*) and (*g*) might be combined, as the United Kingdom representative had suggested, but in any event the reference to scientific research and exchanges of information, in paragraph (*f*), should be retained.

Mr. de BAGGIO (United States of America) said he supported the proposal to delete paragraph (*b*) (iii). He also suggested the deletion of paragraph (*c*) (ii), because the powers it granted were too broad.

Mr. NIKOLIC (Yugoslavia) said he shared the view of the United States representative that paragraphs (*b*) (iii) and (*c*) (ii) should be deleted. He also proposed the deletion of paragraph (*c*) (i), which in its present form seemed to imply that the Commission could request all kinds of information from States.

Mr. RAJ (India) said he agreed with the French representative that consideration of paragraph (*b*) (iii) should be postponed until article 54 was discussed. A number of delegations had taken the same position in the plenary meeting. He had at first thought that paragraph (*j*) was unnecessary, but would not oppose its inclusion if it were amended as proposed by Turkey, since the Turkish amendment made it more specific and limited it to the field of narcotic drugs.

The CHAIRMAN invited the Committee to vote on the various paragraphs in order. The United States representative had suggested that in the opening line of the article the words " is authorized to " be substituted for the word " shall ".

Mr. RAJ (India) said that his delegation supported that suggestion.

The United States amendment was adopted.

Paragraph (a)

The CHAIRMAN said the United Kingdom representative had suggested that the words " changes in " be inserted between the word " determine " and the words " the composition ".

The United Kingdom amendment was adopted.

Paragraph (a), as thus amended, was approved.

Paragraph (b)

Mr. CURRAN (Canada) said the present wording of paragraph (*b*) (i) did not make clear whether the Commission was being authorized to propose amendments to the Convention.

Mr. YATES, Executive Secretary, said that the procedure referred to was one which the Commission had often followed in the past: when the Commission was considering a matter, a member would draw attention to a point which he thought should be considered when a revision of the Convention was undertaken. The three drafts of the Single Convention were an example of that type of work which the Commission was given authority to undertake by its terms of reference in Council resolution 9 (I).

Mr. WIECZOREK (Poland) said that paragraph (*b*) (i) might be interpreted as authorizing the Commission to make changes in the Convention. It should be redrafted to provide that the Commission should consider proposals for changes in the text.

The CHAIRMAN said that the Drafting Committee might wish to clarify the provision along the lines suggested by the Polish representative.

Mr. CURRAN (Canada), speaking as the Chairman of the Drafting Committee, urged the Committee to take a clear-cut decision on the substance of paragraph (*b*) (i) before referring it to the Drafting Committee.

Mr. TABIBI (Afghanistan) said he did not think the Drafting Committee was authorized to solve the problem raised by paragraph (*b*) (i); it was for the Conference to define the amendment procedure clearly in the Convention. Both paragraph (*b*) (i) and article 54, as they appeared in the third draft, were very vague and did not define the amendment procedure with sufficient clarity.

Mr. ESTABLIE (France) said he had already asked that paragraph (*b*) (iii) should be considered in conjunction with article 54, because the latter outlined two procedures for amendment, and the simpler version might be entrusted in part to the Commission. His delegation felt that the function described in paragraph (*b*) (iii) was on a different level from the functions described in paragraphs (*b*) (i) and (*b*) (ii), but as other delegations apparently thought that the three sub-paragraphs were all equally related to the amendment procedure, it might be better to postpone consideration of all three paragraphs until article 54 was discussed.

Mr. CURRAN (Canada) suggested that further discussion of paragraph (*b*) be adjourned until article 54 was considered.

It was so agreed.

Paragraph (c)

The CHAIRMAN said that the Yugoslav representative had proposed the deletion of sub-paragraph (*c*) (i).

Mr. ACBA (Turkey) said he supported the Yugoslav amendment.

The Yugoslav amendment was adopted by 13 votes to 3, with 8 abstentions.

The CHAIRMAN said that the United States had proposed that sub-paragraph (*c*) (ii) be deleted, and the United Kingdom had proposed that its substance be included in articles 27 and 28.

Mr. GREEN (United Kingdom) said that sub-paragraphs (*c*) (ii) was a useful provision. If it were deleted, changes in the lists of information which Parties were required to furnish could not be made without an amendment of the Convention.

Mr. CURRAN (Canada) said he supported the United Kingdom proposal that the substance of sub-paragraph (*c*) (ii) be transferred to articles 27 and 28. Details such as the schedules and the items regarding which Parties were required to furnish statistics and estimates should be subject to change a simple procedure within the framework of the Convention itself, while more fundamental changes should be made by the amendment procedure.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said he would prefer that sub-paragraph (*c*) (ii) be retained because it would make for flexibility.

The CHAIRMAN said that, if there were no objection, it would be left to the Drafting Committee to decide whether the substance of sub-paragraph (*c*) (ii) should be included elsewhere in the Convention or whether the sub-paragraph should be retained in its present position.

It was so agreed.

Paragraph (d)

The CHAIRMAN put to the vote the United Kingdom amendment to delete paragraph (*d*).

The United Kingdom's amendment was adopted.

Paragraph (e)

Paragraph (e) was approved.

Paragraphs (f) and (g)

Mr. GREEN (United Kingdom) proposed that paragraph (*f*) be combined with paragraph (*g*) to read:

" may make such recommendations as it may consider useful for the implementation of the aims and provisions of this Convention, and in particular may recommend programmes of scientific research and exchanges of information of a scientific or technical nature ".

Mr. ESTABLIE (France) said he approved the wording proposed by the United Kingdom delegation, as it gave proper recognition to the importance of scientific research.

Mr. RAJ (India) said he agreed that paragraphs (*f*) and (*g*) should be amalgamated.

The United Kingdom proposal was adopted.

Paragraph (h)

Mr. NIKOLIC (Yugoslavia) said that paragraph (*h*) should be deleted; the Commission issued an annual report, but had no other information to communicate to Governments.

The CHAIRMAN said that the United Kingdom had already proposed the deletion of the paragraph.

The United Kingdom proposal was adopted.

Paragraph (i)

Mr. GREEN (United Kingdom) said that his suggestion for the re-drafting of paragraph (*i*) could perhaps be treated as a drafting matter, since it would not change the substance of the provision.

The CHAIRMAN said that, if there were no objection, paragraph (*i*) would be referred to the Drafting Committee.

It was so agreed.

Paragraph (j)

The CHAIRMAN put to the vote the United Kingdom proposal for the deletion of paragraph (*j*).

The United Kingdom proposal was adopted by 21 votes to none, with 5 abstentions.

Article 11, as thus amended, and subject to later consideration of paragraph (b), was approved.

Article 13 (Composition)

The CHAIRMAN invited the Committee to consider article 13, the first of a series of twelve articles dealing with the Board. India and Turkey jointly, and Afghanistan, had submitted amendments to the article.

Mr. TABIBI (Afghanistan) said that his amendment (E/CONF.34/L.12) to paragraph 1 (*a*) should read " Replace the word ' two ' in the first line by the word ' three ' and replace the word ' three ' in the second line by the word ' five '."

Since the amendment to paragraph 4 submitted by the Indian delegation already provided for the principle of equitable geographical distribution, he would withdraw its own amendment to that paragraph.

In submitting its amendments, the Afghan delegation had been prompted by the consideration that the membership of the United Nations had increased considerably since the size of the present Board had been fixed. There were now nearly 100 Member States and others could be expected to join in the near future. In order to ensure fair representation, the proposed membership of nine should, therefore, be extended, preferably to thirteen but, in any case, to not less than eleven. His delegation would be willing to modify its amendments in the light of whatever figure was decided on by the Conference.

Mr. BANERJI (India), introducing the joint Indian and Turkish amendment (E/CONF.34/L.7), said that, in the light of the discussions in the plenary meeting concerning paragraph 4, its authors had taken into consideration two main principles: first, geographical representation and, secondly, adequate representation of the main producing, manufacturing and consuming countries. Some members had expressed the view that there should be three representatives of producing countries, three of manufacturing countries and only one of consuming countries. However, India would be willing to reconsider that provision and agree to a suitable increase in the representation of the consuming countries, those that were neither substantial producers nor manufacturers. Some members had felt that, since the producing and manufacturing countries were also consumers, there whould be a certain amount of overlapping and that it would be hard to confine representation to the proper categories. That difficulty could be avoided by qualifying the words " producing " or " consuming " and referring to " the principal producing countries ", and so on. Overlapping would then be reduced to a minimum and there would be scope for the representation of other countries whose direct interest in manufacturing and producing might be minor.

He thanked the representative of Afghanistan for withdrawing his own amendment to article 4. He also agreed that it was not necessary to establish the membership of the Board at thirteen and that the Conference could be left to decide the exact number. If the Indian and Turkish joint amendment were approved with the modifications suggested, India would be able to support the suggestion that there should not be less than eleven members: three each from producing, manufacturing, and other countries and two from WHO.

He had no strong views concerning the amendment proposed by Afghanistan to paragraph 1 (*a*), but if the wording of the provision as it stood was acceptable to WHO, it could just as well be retained.

Mr. ACBA (Turkey) said that four main points had been made in the criticisms of the joint amendment in the plenary meeting.

First, it had been pointed out that the members of the Board had to meet a variety of requirements. They were expected to be impartial and competent, they were

to represent the producing, manufacturing and consuming countries, and there must be equitable geographical representation. It had been emphasized that it would be very hard to find persons possessing all those qualifications.

Secondly, it had been said that, since all countries were to some extent consumers, there would be some overlapping in the classification of countries into producers, manufacturers and consumers.

Thirdly, since all countries were consumers, it had been said that it would not be fair for the consuming countries to be represented by only one member.

Fourthly, it had been argued that the members of the Board should be appointed on personal merit only.

Impartiality must, of course, be a basic qualification for any international official. As regards competence in the field of narcotic drugs, was what mainly required was an extensive knowledge of conditions either in the producing countries, in the manufacturing countries or in the consuming countries; competence could not extend to all aspects of the narcotic problem. Were that the case, it would not be necessary to elect nine members of the Board; it would be sufficient to have three members who were omniscient on the subject of narcotics. In proposing a membership of nine, it had been felt that it would be possible to include a sufficient number of persons conversant with the problems of the three categories of country requiring representation. Under such an arrangement, the principle of geographical distribution would be applicable as far as possible.

With regard to the second point, namely, the difficulties involved in classifying countries as producers, manufacturers or consumers, it would of course be impossible to arrive at a satisfactory classification on the premise that all countries should be placed in the consumer category. In order to avoid overlapping it was necessary to consider the dominant characteristics of each country. For example, France and the United Kingdom would be classified as manufacturing countries, India and Turkey as producing countries, and Canada and the United Arab Republic as consuming countries.

With regard to the third point, it would be possible to solve the problem if the two members of the Board to be nominated by the World Health Organization under paragraph 1 (*a*) also came from consuming countries; equitable distribution among the three categories of countries would then be ensured. He had no strong views on the number of members that should be appointed to the Board, but agreed that the membership should be increased.

Lastly, with regard to the argument that the members of the Board should be selected solely on the strength of their personal qualifications and should sever all relations with their respective Governments, he must point out that the mere fact that a person ceased to hold an appointment in his country of origin did not divest him of his nationality or automatically guarantee his independence. It was, therefore, only fair and realistic to consider that the members of the Board, for all their personal merits, would represent the interests of their countries. That being so, it was essential that the Council should appoint them on an equitable basis according to the three categories of countries provided for in the Convention. With regard to the number of Board members, in view of the increase in the membership of the United Nations, it might be advisable to increase it from nine to thirteen or even more. The amendment proposed by the Indian and Turkish delegations should prove acceptable to all who wished the composition of the Board to be realistic and to prove satisfactory to all countries after the entry into force of the Convention. It was not intended to introduce innovations but merely to clarify the provisions of paragraph 4.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that, unlike many other provisions of the third draft which had been reproduced from earlier conventions, paragraph 2 introduced an entirely new idea, namely, that the Commission should appoint one of its members to attend the Board's sessions as an observer. He did not know the circumstances which had led to the inclusion of such a provision, but drew attention to the PCOB's comments on it in document E/CONF.34/1. Although he had not been a member of the Board at the time, he gathered that the Board had understood the new provision as being designed to bring together members of the Commission and of the Board. However, the PCOB had different ideas as to how such contacts should be brought about. In any case, as the provision was drafted, it had many lacunae; it was, for instance, not clear whether the Commission's observer was to be appointed on a long-term or a short-term basis.

The provisions of article 24 of the 1925 Convention had been incorporated in article 22 of the third draft because it had been considered necessary for a country to be represented when the Board was discussing matters of particular concern to it. The present provision, however, entailed something entirely different. In fact, he was not at all sure whether it would have any real effect on the proceedings of the Board, since the latter's functions fell within a narrow framework laid down in the Convention. Nor was he sure whether it would be of any value for a representative of the Commission to be present when the Board discussed general matters. Under its present procedure, the Board had in the past invited observers from certain countries when matters of interest to the country were being discussed — quite apart from the arrangement provided for in article 24 of the 1925 Convention. But such invitations had been rare and had, in any case, been issued on the Board's own initiative, which was a different matter from having a specific provision in the Convention authorizing the Commission to appoint an observer as a matter of course. He hoped that the Secretariat could throw some light on the question; in the meantime, he reserved any further comment on the paragraph until he had heard the Secretariat's explanation.

The meeting rose at 6 p.m.

THIRD MEETING

Wednesday, 8 March 1961, at 10.10 a.m.

Chairman: Mr. BLOMSTEDT (Finland)

Consideration of Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft (E/CN.7/AC.3/9, E/CONF.34/1 and Add.1-4, E/CONF.34/L.7 and 12) (*continued*)

Article 13 (Composition of the Board) (*continued*)

The CHAIRMAN invited the Committee to continue its consideration of article 13.

Mr. YATES, Executive Secretary, said that the answer to the question put by the PCOB representative at the previous meeting was to be found in paragraph 109 of the report of the eighth session of the Commission (E/2423), which read: "The Commission considers that it is of the greatest importance to ensure close liaison and co-operation between the Narcotics Commission and the Board and decided to this end that the revised draft should authorize the Narcotics Commission to elect the representative of one of its members to attend the sessions of the Board as an observer."

Mr. ADJEPONG (Ghana) said that representation on the Board was a very important issue. After listening to the various speakers in the plenary meeting, his delegation had reached the conclusion that discrimination was the main theme of their statements. Everyone knew that the new countries possessed brilliant scientists and doctors, but for some reason those countries were not represented on the Board. The joint amendment submitted by India and Turkey was not acceptable because it would lead to discrimination. His delegation has said in the plenary meeting that Ghana would not accept anything that would lead to monopoly, and the joint amendment was an indirect way to monopolize the Board; the possibility of Ghana becoming a producing and manufacturing country should not be ruled out. Some members had expressed the view that experience should be the determining factor in the selection of members of the Board, but if that view were accepted, it would mean that most African States would not be eligible. The United Nations Charter did not state that experience need be the determining factor for a nation to be eligible to become a member of the Board. The joint amendment said that the selection of members should be made from countries with knowledge of the world-wide narcotics situation; that would discriminate against the unfortunate new countries now attaining independence. Many new countries in Africa had well-qualified people of as high integrity and ability as any other country, who he was sure would contribute to the success of the Board; why then should the Committee accept such a discriminatory amendment? The place of wisdom in international affairs was completely outmoded and should be buried forever. The Committee should consider seriously the complications the joint amendment would create. The only solution acceptable to his delegation was equitable geographical distribution, so that every region would have a chance to serve on the Board. His delegation agreed with the comment by Italy in document E/CONF.34/1 that it would be advisable to prevent two or more representatives of the same State from being members. The present membership of the Board was four Europeans, two Americans and two Asians. He declined to believe that Africa was not able to produce intelligent persons possessing a knowledge of the worldwide narcotics situation. Paragraph 1 (*b*) should be sent to the Drafting Committee with instructions to reword the whole provision in such a way that representation would be equitable, without any reservation of places for producer, manufacturer or consumer.

Mr. ASLAM (Pakistan) said that although he approved the principle of the Afghan amendment (E/CONF.34/L.12), the object of which was to increase the membership of the Board, thirteen appeared too high a figure, and it would be better to adopt the figure suggested by India, namely, eleven. With regard to the joint amendment submitted by Indian and Turkey, it was not desirable to specify fixed numbers for the manufacturing, producing and consuming countries. A broader text inviting the Council to give due consideration to fair representation of the interests of manufacturing and producing countries would be better. The choice of members should also be governed by the need for equitable geographical representation.

Paragraph 2 struck him as unnecessary; the presence of a representative of the Commission at sessions of the Board might jeopardize the Board's independence and would serve no useful purpose. The paragraph should, therefore, be deleted.

Mr. CURTIS (Australia) said that the objects of article 13 were to ensure first, that membership of the Board should be large enough for the effective discharge of its functions, and secondly, that the composition of the Board should reflect a high level of competence and impartiality with a representative character.

With regard to the first point, the membership of nine provided for in paragraph 1, including two members nominated by WHO, was satisfactory. The Afghan amendment proposed that the number of members should be increased to thirteen. But from the point of view both of economy and of efficacy, the smallest possible number was the best. The number proposed in the Convention would enable different interests and different regions to be represented on the Board. Experience had shown that a small body could be very effective, and the Australian delegation could not, therefore, endorse any increase to a higher figure than nine.

With regard to the second point, it was essential to place the emphasis on technical competence and disinterestedness, as was done in paragraph 3. The joint amendment submitted by India and Turkey introduced two other elements, and while his delegation saw no objection to mention being made of equitable geographical representation, provided that was clearly a secondary consideration, it could hardly accept the first part of the amendment. The intention of its authors was not

the same, apparently, as that of the authors of paragraph 4 of the third draft, under which the Council should merely give consideration, in equitable proportion, to the respective interests of the producing, manufacturing and consuming countries. Furthermore, the amendment provided for the participation in the Board of only one representative of the consuming countries, which did not seem equitable. In any event, it was not for the Committee to decide what was, or was not, equitable. The Australian delegation could not, therefore, support that part of the joint amendment, and hoped that the Committee would adopt a broadly worded text, as the representative of Pakistan had proposed. The purpose of the Convention was, after all, to set up a highly effective group of experts who would be, in practice, independent individuals representing no Government.

Mr. CURRAN (Canada) said that he agreed with the Australian representative concerning the number of members of the Board. It was desirable to increase the membership, but the Committee must not overlook the fact that efficacy was inversely proportional to size. Some increase was desirable because consideration had to be given to equitable geographical representation in order that the newly independent States should not be excluded, but the Board's deliberations would be hampered if too large a membership necessitated the application of very strict rules of procedure.

Regarding the composition of the Board, he could not support the joint amendment submitted by India and Turkey. The Committee would be wrong to draw up a restrictive list of representatives, and to require a fixed number of representatives for each group of countries would be contrary to the very purpose of the Board as a technical body. The essential qualities to which consideration should be given in the appointment of members should be those set out in Article 101, paragraph 3, of the Charter; if that provision were complied with, the problem of the representation of vested interests would be avoided. Members representing a particular group of countries might not be impartial. Again, how was the meaning of the term "producing countries" to be understood? Did it mean countries producing opium, coca leaf, cannabis or synthetic drugs? Or should countries producing synthetic drugs be included among manufacturing countries? The same problem arose in connexion with the terms "manufacturing" and "consuming" countries. Again, did technical competence imply only a knowledge of narcotic drugs? Prominent jurists, economists or industrialists who had had no administrative experience in the field of narcotic drugs could no doubt rapidly acquire such experience, and contribute, in addition, their valuable expert skills in other fields. The provisions concerning qualifications required of members of the Board should, therefore, be as wide as possible, with the accent on quality. The prestige of the Board must be such as to attract outstanding persons devoted to international public service. The Canadian delegation was strongly opposed to vested interests being represented on the Board. The paramount considerations were competence, efficiency and impartiality. It should be possible for the Board to include prominent men from countries where drugs were not a problem; that would also facilitate equitable geographical representation.

His delegation favoured the deletion of paragraph 2.

Mr. YATES, Executive Secretary, said that he fully understood the criticisms that had been made of paragraph 2. If the representative of a Government took part in proceedings on a controversial question, his impartiality might be questioned; if the interests of his own Government were involved, that Government might be held to have an unfair advantage. Again, the Board's deliberations were always confidential, and it would not be normal for the representative of any State to have access to them. Paragraph 2 might perhaps be deleted, as the mingling of experts and representatives of Governments in an organ of that type seemed undesirable. The wording of the joint amendment (E/CONF.34/L.7) should also be considered from that viewpoint; since the Board would be a group of experts, the word "representatives" in the English text did not seem appropriate. With regard to the qualifications required of members of the Board, it was, of course, essential that several of them should be well acquainted with the situation regarding narcotic drugs in the producing countries. The corresponding provision in the 1925 Convention had, however, been worded, after thorough discussion, in very wide terms.

Mr. BANERJI (India) said he could assure the Conference that the Indian delegation, in presenting its amendment, had had no thought of impairing the value of the Board. It went without saying that members elected from the producing countries would not represent their Governments, and such a body should obviously be able to obtain the services of prominent persons who nevertheless enjoyed the confidence of government authorities. The sole purpose of the amendment was to expand paragraph 4 so as to require equitable proportionate representation of the three categories of interests concerned. Producing countries meant countries producing natural drugs; manufacturing countries meant countries which specialized in the manufacture of drugs, whether natural or synthetic; and consuming countries meant those which were not primarily producing or manufacturing countries. The latter should also be represented on the Board, since they too could provide the services of outstanding persons. Those considerations were intended solely for the guidance of the Economic and Social Council in its choice. However, in view of the objections which had been raised to the joint amendment, the Indian delegation was prepared to withdraw the first part of it and to accept paragraph 4.

With regard to the Afghan amendment, it would be better in paragraph 1 to provide for eleven members rather than thirteen. In paragraph 1 (*a*) he supported the proposal that the list of persons nominated by WHO should be increased to five; the number provided for in paragraph 1 (*b*) could then be increased from seven to nine. Paragraph 2 was unnecessary. In paragraph 4, his delegation was prepared to accept the Afghan amendment.

Mr. ACBA (Turkey) said he did not think that the amendment he had submitted jointly with the Indian representative introduced an element of discrimination, as some delegations seemed to fear; the Board must of course include, in any case, nationals from producer, manufacturing and consuming countries. It had been claimed that the basic qualifications for recruitment should be competence and experience, and that country of origin should take second place. But it was clear that nationals of countries concerned with narcotic drugs would be the best qualified from that standpoint; competence and geographical origin could not be mutually exclusive. Again, it had been suggested that representatives of a given country might represent vested interests. The French text of the joint amendment, however, referred to "*ressortissants*" not to "*représentants*", and a person could not be divested of his status as a national of his country. With regard to the number of members, the authors of the joint amendment, as they had said, would not insist on the figures proposed but provision must be made for the representation of groups on a proportional basis.

Mr. GREEN (United Kingdom) shared the view of those delegations which considered that the Board was a group of experts and not of representatives. In electing members of the Board, the Council must take into account geographical representation as well as the interests of various groups of countries, but competence should be the overriding consideration. So far as the number of members was concerned, the figure of nine proposed in the draft was adequate. Efficiency was inversely proportionate to number, while cost was directly proportionate to number. He saw no need to increase the number of candidates submitted by WHO from three to five; the draft said "at least three", so if WHO considered that five persons were competent it would submit five names. Paragraph 2 could be deleted. With regard to paragraph 3, he called the attention of the Committee to footnote 15 and requested the replacement of the words "in agreement" by "in consultation". With regard to the joint amendment to paragraph 4 submitted by India and Turkey, his delegation preferred the existing wording of the paragraph, but was prepared to accept the wording proposed by Afghanistan, since the Indian representative had withdrawn his amendment in favour of Afghanistan's.

Mr. KRUYSSE (Netherlands) said it was essential that the Board should have a purely technical character so that all the Parties to the Convention could have confidence in it. If too many States in the world were represented, it might be regarded as an organ representing Governments. The number of members should, therefore, be increased only for reasons of efficiency, if its task became heavier. That would not happen in the immediate future. Nevertheless, the Committee should bear in mind that the number of independent States had increased since 1925, and that the new States naturally wished to take part in the work of international bodies. His delegation therefore supported the Afghan proposal, as modified by the Indian representative, to fix the numbers of the Board at eleven. There should not, however, be too much insistence on the need for geographical representation, since that would tie the hands of the Council; moreover, the newly independent countries might have difficulty in finding qualified persons among their nationals. The Committee must not forget that under the impartiality clause in paragraph 3, civil servants, on some occasions even university professors, could not become members of the Board. He agreed that paragraph 2 could be deleted.

Mr. ESTABLIE (France) said that the members of the Board should be, above all, impartial and competent persons of acknowledged standing. With that primary consideration in mind, his delegation's view was that there was no need to establish a connexion between the world population, or the number of States Members of the United Nations, and the number of members of the Board. The members were experts who had, as it were, the function of judges or referees. Even though a small body, if they were competent, they would do their work well. Moreover, as had been pointed out, the efficiency of a board was frequently in inverse proportion to its size. It might accordingly be better to keep the figure at nine; but if the majority wished to increase it to eleven, his delegation would not oppose it.

With regard to the selection of members, it was natural that the Council should endeavour to take geographical representation into account as far as possible, although that should not be a primary consideration. He could therefore accept the second paragraph of the joint amendment by India and Turkey, which was worded with sufficient flexibility. He could not accept the first paragraph of that amendment for the very reason that it lacked sufficient flexibility. The Convention should not bind the Council so strictly in its selection.

He was in favour of deleting paragraph 2.

The CHAIRMAN asked whether the Turkish representative wished to retain the first paragraph of the joint amendment; the Indian representative had decided to withdraw it.

Mr. ACBA (Turkey) replied in the affirmative.

Mr. YATES, Executive Secretary, with regard to the remarks of the Netherlands representative concerning the eligibility of, for example, university professors for election as members of the Board, called attention to the interpretation placed by the Economic and Social Council on article 19 of the 1925 Convention, on which paragraph 3 was partly based. Article 19 had been drawn up in very strict terms and had given rise to certain difficulties; that was why the Council had deemed it advisable, in 1948, by its resolution 123 (VI), to lay down conditions in which article 19, paragraph 5, of the 1925 Convention was fulfilled. Paragraph 3 of the third draft had been drawn up with the Council's more flexible interpretation in mind.

Mr. de BAGGIO (United States of America) said he shared the view expressed by the Australian representative. The membership of the Board should not exceed nine. Members should possess high technical

competence in the field of narcotic drugs, and even now it did not seem easy to obtain the services of persons of that level. If their number were increased, the difficulties would grow. With regard to geographical representation, paragraph 4 as it stood was sufficiently flexible to permit the appointment of any competent person, whatever region he belonged to; by binding the Council any further, the value of the members selected might be impaired.

With regard to the method of election laid down in paragraph 1, persons of the level generally envisaged for membership of the Board sometimes hesitated to submit themselves to that system. Moreover, the system could, at times, lead to a regrettable selection. It would be better if the members of the Board were appointed by the Secretary-General of the United Nations from a list of candidates. The Secretary-General could also be empowered, on the recommendation of the Board, to end the term of office of a member who did not fulfil the required conditions and to fill any casual vacancy which might arise during the term of office of members of the Board.

He agreed that paragraph 2 should be deleted, since it might have unfortunate consequences.

Mr. TABIBI (Afghanistan) felt that the view of the majority of members was that some increase in the size of the Board was necessary, because of the number of States Members of the United Nations. He would not insist on the increase being to thirteen, and he accepted the Indian representative's increase of eleven. If that figure were approved, two members would be proposed by WHO, in accordance with paragraph 1 (*a*); they should be selected, however, not from a list of three, which did not give sufficient freedom of choice to the Economic and Social Coucil, but from a list of at least four candidates, or preferably five, as proposed by the Afghan amedment. He was surprised that WHO, in view of its great experience, had specified such a small list, and he would like to know the reasons for it.

He did not believe that a small board would necessarily be more efficient. The present trend in the United Nations was to increase the number of members of expert committees in order to take into account the increase in the Organization's membership, as the recent expansion of the International Law Commission showed. It should not be difficult to find impartial and highly qualified persons in sufficient munbers in various parts of the world. The young States would also have more and more persons available to exercise such functions properly; and the Committee should not forget that the Convention was designed to last a long time.

He had said the previous day that he would withdraw the Afghan amendment to paragraph 4 in favour of the amendment submitted by India and Turkey; but since the Indian representative now intended to withdraw his amendment in favour of the Afghan amendment, the latter would stand.

Mr. NIKOLIC (Yugoslavia) said he supported the views of the Australian representative on the first paragraph of the joint amendment by India and Turkey (E/CONF.34/L.7). He preferred the third draft text for paragraph 4, but agreed with the Australian representatives that the second paragraph of the amendment should be retained: geographical representation was a factor which ought to be taken into account.

With regard to the desirable qualifications for members of the Board, he could not agreed with the opinion apparently held by the Canadian representative that experience in the matter of narcotic drugs was not essential. The Council should select members from among eminent jurists, economists or doctors who, in addition to their professional qualifications, also had an expert knowledge of narcotic drugs. Experience in the matter of narcotic drugs was essential.

His reply to the Canadian representative's question regarding the classification of the producers of synthetic narcotic drugs would be that they should be treated as manufacturers; in his opinion, the terms " manufacturing " and " producing " were quite clear.

He supported the principle of the Afghan amendment. As the Netherlands representative had said, the world situation had changed greatly since 1925; it would therefore be desirable to increase the membership of the Board. A membership of eleven might perhaps be the most appropriate figure; on that score, he disagreed with the United Kingdom and French representatives that the proposed increase in the membership of the Board might jeopardize its efficiency. That fear might perhaps be justified if a much larger increase was proposed, but there appeared to be no ground for such misgivings when it was a question only of two, or at most four, additional members. The United States representative had said that, even with the present number of members of the Board, it was difficult to find candidates possessing all the necessary qualifications; but he found it difficult to believe that with all the world to choose from there could really be any serious difficulty in finding eleven or even thirteen individuals with the desired qualifications.

He agreed that paragraph 2 should be deleted.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he could see no objection to an increase in membership, which would make the Board more representative and enhance its authority. His delegation was prepared to accept whatever figure the majority might prefer.

Some delegations had said that the personal qualities of the members — their technical competence, impartiality and disinterestedness — should determine the choice of candidates, and that the question of geographical distribution was a secondary consideration. The Soviet delegation did not share that view: both factors should be taken into consideration, and there could hardly be any difficulty in finding eleven or thirteen individuals, drawn from all five continents, capable and worthy of participating in the Board's work.

The Afghan amendment to paragraph 4 was not sufficiently explicit: the word " equitable " should be inserted before the words " geographical distribution ".

He was unable to support the first paragraph of the joint amendment submitted by India and Turkey, and endorsed the views expressed by the representatives of Ghana and Canada.

With regard to the suggestion by the United States representative that the Secretary-General should designate the members of the Board, if that suggestion were put as a formal proposal, his delegation would show the legal unsoundness of such a procedure.

Dr. HALBACH (World Health Organization) said that in its observations on paragraph 1 (*a*) of the third draft (E/CONF.34/1, p. 69), which had been approved by the World Health Assembly, WHO had stated merely: " On the basis of experience gained in implementing arrangements made in anticipation of the provisions contained in paragraph 1 (*a*) of article 13, WHO believes that these provisions will be satisfactory."

Those observations were brief partly because WHO had not known what changes would be made in article 13 and partly because its previous experience of the Board's work and of co-operation with it had been excellent.

Until very recently, WHO had had the sole responsibility for choosing two members of the Drug Supervisory Body, and the third draft already represented a major change so far as it was concerned. It had been asked why it wished to submit only one list of three candidates; the reason was that, in view of the many conditions which the candidates must fulfil, it was difficult to find persons who possessed the necessary qualifications in the highest degree. Paragraph 1 (*a*) referred to " a list of at least three persons "; if WHO found more than three persons, the Committee could be assured that their names would be included in the list, but there was no point in submitting a longer list as normal practice, if that meant including candidates who were not fully qualified.

WHO had hitherto been responsible for securing the services of nearly a quarter of the members of the PCOB and the DSB; he wondered whether, if the total number of members were fixed at eleven, it might not be in the interests of the best possible co-operation and the most satisfactory discharge of the Board's functions to consider the possibility of raising the number of members elected after nomination by WHO from two to three. In that event, WHO would have to propose four, or perhaps even five candidates, in order to give the Council a wider choice.

In his opinion, however, a membership of nine was a good size for an expert body: a small membership was the most conducive to efficient work. If the figure of nine were retained, WHO would urge that no change should be made in the list which it was to submit. As he had said before, the provisions of paragraph 1 (*a*) already marked a step backwards so far as WHO was concerned.

Mr. JOHNSON (Liberia) said he supported the proposal fot the mention of equitable geographical distribution in paragraph 4.

He could not support the first paragraph of the joint Indian and Turkish amendment. There was no reason for providing that a specified number of members of the Board should be nationals of producing, manufacturing or consuming countries. A slight increase in the number of members of the Board was desirable in view of the increase in the membership of the United Nations.

Paragraph 2 should be deleted.

Mr. LIANG (China) said he could see no difficulty in raising the number of members of the Board from nine to eleven. Up to now, there had been two bodies: the PCOB, consisting of eight members, and the DSB, consisting of four members, including a member of the PCOB; the total therefore remained the same. Consequently, the problem of an increase in expenditure, to which reference had been made, should not arise.

He supported the third draft text of paragraph 4, but would like to see a reference to the principle of geographical distribution included. He also favoured the deletion of paragraph 2.

Mr. BITTENCOURT (Brazil) said that, during the first reading of paragraph 1 (*a*) in plenary meeting, he had urged that the two members nominated by the World Health Organization should have the requisite university diplomas. It was clear from what the WHO representative had told the Committee that that condition would automatically be fulfilled and he would not therefore press the point.

With regard to paragraph 1 (*b*) it would be desirable to increase the number of persons to be nominated from seven to nine, since, as had been pointed out, the membership of the United Nations had greatly increased.

While he could not support the first paragraph of the joint amendment by India and Turkey to paragraph 4, he was in full agreement with the second paragraph relating to geographical representation, the wording of which was preferable to that of the Afghan amendment to the same paragraph, since it was more flexible and comprehensive.

Paragraph 2 should be deleted.

Mr. CURRAN (Canada) said that he would like to clear up any misunderstanding to which his first statement might have given rise. In saying that the Board should include prominent jurists, economists or industrialists, he had not wished to imply that they should be qualified only as such; as the representative of Yugoslavia had pointed out, experience in the field of narcotics was undoubtedly necessary. Far from wishing to suggest that the Board's members should be less highly qualified, his idea had been that the qualification requirements should be raised so that the Board would have a distinguished membership that would enhance its authority throughout the world.

Mr. ESTABLIE (France) also said, in reply to the comments of the representatives of Yugoslavia and Afghanistan, that his delegation's sole concern was to do nothing which might diminish the Board's efficacy. That did not depend on the number of its members and should not be impaired by any increase in their number. The proposal to increase the number from

nine to eleven did not raise a question of substance and his delegation would not oppose such a step. It considered, however, that even with a membership of nine, the different continents could be represented on the Board and, as the representative of Ghana has said, there was no reason why that should not be the case.

Mr. NIKOLIK (Yugoslavia) said he wished to thank the representatives of France and Canada for their explanations, which had dispelled his misgivings.

Mr. WIECZOREK (Poland) said he supported the proposals of the representatives of India and Afghanistan and particularly their proposed addition to paragraph 4. He could accept the present wording of article 13, since it maintained the system whereby members of the Board were elected by the Council, but considered it essential to increase the membership of the Board. There had been a substantial increase in the membership of the United Nations during recent years and a marked expansion of the scope of international narcotics control throughout the world. Furthermore, the Board would be replacing the two present control bodies and its functions and responsibilities would therefore be more extensive. The objections put forward to the proposed increase seemed to have little foundation. It was unlikely that the presence of two new members with outstanding qualifications and experience would impair the efficiency of the Board; the additional cost involved seemed likely to be negligible. The Board should have at least eleven members. Equitable geographical representation was an essential requirement, which should not be subordinated to any other and to which explicit reference should be made in the article.

Mr. RABASA (Mexico) said that, with certain reservations, he was in favour of the existing text. He, too, believed that the Board should be composed of eleven members. That increase was so small that it would not impair the efficacy and impartiality of the Board, but would facilitate equitable geographical representation. Paragraph 2 should be deleted. He agreed with the United Kingdom delegation that the words " in consultation " should be substituted for the words " in agreement " in paragraph 3. Moreover, having heard different points of view, he had reached the conclusion that it would perhaps be preferable to make no change in the wording of paragraph 4, but to add to it the second part of the joint amendment (E/CONF.34/L.7). He supported that part of the amendment, although the words " as far as possible " were superfluous and should be deleted. Calling attention to footnote 16 on page 23 of the third draft, he said that, in the view of his delegation, the additional words proposed by the representative of the PCOB should be included in paragraph 4.

Mr. YATES, Executive Secretary, said that, in its resolution 667 (XXIV), the Economic and Social Council had invited the competent authorities to consider appointing to the Drug Supervisory Body persons who were members of the Permanent Central Opium Board. As a result, three of the members of the PCOB were also members of the DSB. Expenditure was therefore incurred at present only in respect of nine persons although the theoretical maximum was twelve. If the membership of the Board were increased to eleven, the difference in the situation would thus not be very great.

WHO took part in the appointment of members because it had inherited the right previously enjoyed by the *Office international de l'hygiène publique* and the League of Nations Health Committee to choose two members of the Drug Supervisory Body. It was true that, under the terms of the third draft, WHO would lose that right, but it would nominate three candidates from whom two members of the Board would be elected, whose functions would be much wider. The Secretariat considered that if the membership of the Board was increased, it would only be reasonable to make a corresponding increase in the number of candidates nominated by WHO. WHO would, undoubtedly, encounter practical difficulties in choosing more candidates and the number fixed should not, therefore, be too large, though it must be sufficient to leave the Council a certain amount of latitude and, in particular, to enable it to take geographical representation into account.

Finally, with regard to the suggestion of the United States representative concerning the method of election, many Governments would no doubt prefer to leave the matter to an elected body like the Economic and Social Council. As had frequently been pointed out, however, the procedure of such an election did not necessarily result in a balanced membership. The membership of the Board had not only to meet the requirement of geographical representation and include nationals of producing and manufacturing countries conversant with narcotics problems, but also had to ensure representation of a range of specialized branches of knowledge. In order to reconcile democratic procedure with the need to establish a well-balanced organ, the Conference might perhaps wish to consider the possibility of a procedure by which a " slate " or more than one slate of candidates would be submitted to the Council.

Mr. LIMB (Korea) said that, in the eyes of his delegation, geographical representation was just as important as personal competence. He therefore supported the joint amendment, and in particular the second paragraph, since it would be easier to apply the principle of equitable geographical representation if the number of members of the Board were increased. He agreed that paragraph 2 should be deleted.

Mr. BANERJI (India) proposed that the word " equitable " be inserted in the Afghan amendment to paragraph 4.

Mr. TABIBI (Afghanistan) said that he had no objection either to the number of members nominated by WHO being increased from two to three, or to the amendment just proposed by the representative of India.

Mr. de BAGGIO (United States of America) said that he was not opposed to increasing the number of

Board members to eleven, since that seemed to be the wish of the majority.

He would not press for a vote on his suggestion, which had not been intended as a formal proposal, that the members of the Board should be appointed by the Secretary-General.

The CHAIRMAN asked the Committee to vote on the article paragraph by paragraph. Afghanistan had proposed amendments (E/CONF.34/L.12) to paragraphs 1, 1 (*a*), 1 (*b*) and 4.

Paragraph 1

The CHAIRMAN said that the Afghan amendment proposed the replacement of the word " nine " by the word " thirteen ", but the later Indian amendment, which had commanded more support, had proposed that the figure be " eleven ". He would therefore put the Indian amendment to the vote first.

The Indian amendment was adopted by 20 votes to 1 with 4 abstentions.

Paragraph 1, as thus amended, was approved.

Paragraph 1 (a)

Mr. TABIBI (Afghanistan) said he had modified his amendment to read: " replace the word 'two' in the first line by the word 'three' and the word 'three' in the second line by the word 'five'."

Dr. HALBACH (World Health Organization) said he welcomed that modification.

The revised Afghan amendment was adopted by 16 votes to 1 with 7 abstentions.

Paragraph 1 (a), as thus amended, was approved.

Paragraph 1 (b)

The CHAIRMAN said that the Afghan amendment proposed that the word " seven " in the first line be replaced by the word " ten ". He himself, speaking as the representative of Finland, proposed that it be replaced by the word " eight ".

The Chairman's amendment was adopted.

Paragraph 1 (b), as thus amended, was approved.

Paragraph 2

The CHAIRMAN put to the vote the Pakistan amendment for the deletion of the paragraph.

The Pakistan amendment was adopted by 22 votes to none, with 3 abstentions.

Paragraph 2 was deleted.

Paragraph 3

The CHAIRMAN put to the vote the amendment proposed by the Mexican and United States representatives that the words " in agreement with the Board " be replaced by the words " in consultation with the Board ".

The amendment was adopted by 23 votes to none, with 1 abstention.

Mr. ATZENWILER (Permanent Central Opium Board) pointed out that the last sentence of the paragraph, which was taken from Article 20 of the 1925 Convention, reproduced an error which had crept into both the English and the French versions of that text. The functions of the Board would be not only technical but also administrative and even quasi-judicial, and there was therefore no reason why it should be only in the exercise of its technical functions that it would be fully independent. In the English text, moreover, the adjective " technical " was for some reason or other applied to the word " independence ", thereby creating a discrepancy between the two texts. He suggested that it might be better to delete the word " technical " in both the English and the French texts.

Mr. ESTABLIE (France) said that the word " technical " introduced an unnecessary restriction; he proposed that it be deleted.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that, as it had been decided to establish a single secretariat, it was unnecessary to retain the word " technical ". In article 20 of the 1925 Convention, the word had been used to distinguish between technical functions and administration, but that distinction was no longer justified and might even give rise to difficulties.

Mr. KRUYSSE (Netherlands) said that in his opinion it was preferable to retain the word " technical ". It was true that a decision had been taken to establish a single secretariat but the administrative aspect was likely to have to be taken into consideration again.

Mr. GREEN (United Kingdom) said that even if the administrative provisions were now different, he could not see why the text should be changed when it had existed since 1925 without giving rise to any difficulties.

Mr. ESTABLIE (France) said that he would not press for a vote if the majority in the Committee were opposed to his proposal. Perhaps it could be left to the Drafting Committee to bring the English and French texts into line with each other.

Mr. RABASA (Mexico) pointed out that the Spanish text would also have to be altered.

Mr. GREEN (United Kingdom) suggested that the task of amending the wording of the paragraph to conform with Article 20 of the 1925 Convention be entrusted to the Drafting Committee.

It was so agreed.

Paragraph 3, as thus amended, was approved by 21 votes to none, with 2 abstentions.

Paragraph 4

The CHAIRMAN put to the vote the first paragraph of the joint amendment (E/CONF.34/L.7) which had been taken over by Turkey.

The first paragraph of the joint amendment was rejected by 14 votes to 1, with 8 abstentions.

The CHAIRMAN said that the Indian representative had withdrawn his amendment in favour of that of Afghanistan, but had proposed that in the latter the word " equitable " be inserted before the word " geographical ". He put that amendment to the vote.

The Afghan amendment (E/CONF.34/L.12), as amended by India, was adopted by 24 votes to none with 1 abstention.

Mr. ESTABLIE (France) pointed out that the French text was more rigid than the English. The Drafting Committee should base itself on the English text and modify the French text accordingly.

Paragraph 4, as amended, was approved by 22 votes to none, with 2 abstentions.

Article 13, as amended, was approved by 22 votes to none, with 2 abstentions.

Mr. TABIBI (Afghanistan) said that, as the Committee had decided to increase the number of members of the Control Board, his delegation would withdraw its amendment to article 14 (E/CONF.34/L.12).

The meeting rose at 1.30 p.m.

FOURTH MEETING

Friday, 10 March 1961, at 11.20 a.m.

Chairman: Mr. BLOMSTEDT (Finland)

Consideration of Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft (E/CN.7/AC.3/9, E/CONF.34/C.11/L.1, 3 and 4) (*continued*)

Article 14 (Terms of Office)

The CHAIRMAN invited the Committee to consider article 14 paragraph by paragraph. India had submitted amendments to paragraphs 3 and 4.

Paragraph 1

Mr. de BAGGIO (United States of America) proposed that the term of office of members of the Board be reduced from five years to three and the paragraph be amended accordingly.

Mr. ASIAM (Pakistan), supporting the United States proposal, said that since it had been decided to expand the Board and to take the principle of geographical distribution into account, a reduction in the term of office would serve the same purpose by enabling more States in different parts of the world to take part in the Board's work. As members would be eligible for re-election, the services of those with special qualifications could always be retained.

Mr. ACBA (Turkey), Mr. JOHNSON (Liberia), Mr. NIKOLIC (Yugoslavia) and Mr. RAJ (India) also supported the proposal.

The United States amendment was adopted.

Paragraph 1, as thus amended, was approved.

Paragraph 2

Mr. BITTENCOURT (Brazil) said that the word " duly " was redundant; there was no other way in which members of the Board could be elected.

The CHAIRMAN said that the Drafting Committee would take the Brazilian representative's comment into account.

Paragraph 2 was approved.

Paragraph 3

Mr. RAJ (India), introducing his amendment (E/CONF.34/C.11/L.4), said that the Board would normally hold two sessions a year. Under sub-paragraph (*b*) of the draft, a member who failed to attend two sessions in the same year would be deemed to have resigned in the same way as, under sub-paragraph (*a*), a member who failed to attend four sessions during his term of office. India had submitted its amendment in the interest of uniformity and in order to give members a better chance of retaining their membership.

Mr. KRISHAMOORTHY (Permanent Central Opium Board) said he wondered whether the amendment just made to paragraph 1 did not entail a consequential amendment to paragraph 3 to take into account the fact that the term of office of the Board's members had been reduced from five to three years, that the total number of sessions in one term of office would therefore be six, and that the membership of the Board had been raised from eight to eleven. The current practice was to hold elections the year before the expiry of a term of office; the retiring Board held its last session after such elections had taken place.

Mr. KRUYSSE (Netherlands) said that the provisions in the paragraph seemed a little harsh. The apparent intention was to penalize members of the Board. He had not objected to the amendment to paragraph 1 but, since the term of office of members had thereby been shortened, it might be possible to delete paragraph 3. Any member who failed to attend the Board's sessions regularly could be dropped when his short three-year term of office expired.

Mr. RAJ (India) said that he had submitted his amendment to paragraph 3 before paragraph 1 had been amended. If, in the light of the PCOB representative's observations, the Committee now preferred to maintain paragraph 3 as it stood, he would not press his amendment.

The Netherlands suggestion seemed difficult to accept. If the paragraph were deleted and a member of the Board ceased to attend, the Board would be unable to fill the vacant seat.

Mr. NIKOLIC (Yugoslavia) said that in his opinion, paragraph 3 should be left unchanged.

Mr. ACBA (Turkey) suggested that the word " four " in sub-paragraph (*a*) be replaced by the word " three " since, with the reduction of the term of office, a member who failed to attend three sessions would have been absent half the time.

The CHAIRMAN put the Indian amendment (E/CONF.34/C.11/L.4) to the vote.

The Indian amendment was adopted by 9 votes to none, with 10 abstentions.

Paragraph 3, as thus amended, was approved.

Paragraph 4

Mr. NIKOLIC (Yugoslavia) said that, as indicated in footnote 17 to the third draft (E/CN.7/AC.3/9, p. 24), it was his delegation's opinion that paragraph 4 should provide for a simple, not a three-fourths majority.

Mr. BITTENCOURT (Brazil) and Mr. KRUYSSE (Netherlands) said they shared that view.

Mr. ARVESEN (Norway) said that, in that case, a three-fourths majority should be required for the Board's recommendation.

Mr. GREEN (United Kingdom) said he did not think it necessary to specify by what majority the Board should take its decision.

Mr. ASLAM (Pakistan) said he agreed with the Norwegian representative that a three-fourths majority of the Board's members was needed on such an important matter.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that the question was linked with article 16, which dealt with the Board's rules of procedure. Poland had submitted an amendment (E/CONF.34/C.11/L.1) to that article on the specific question of the majority by which decisions would be taken. A decision had already been taken to depart from the simple majority rule in article 22. In view of that decision and of the possibility that article 16 might be amended, the Committee might perhaps wish to consider whether it was necessary to provide for a simple majority in paragraph 4.

Mr. WIECZOREK (Poland) said he associated himself with the PCOB representative's remarks.

Mr. ESTABLIE (France) said that, while he had no objection to examining paragraph 4 in conjunction with article 16, he saw no reason why it should depart from the simple majority rule. It was going too far to stipulate a three-fourths majority.

The CHAIRMAN suggested that further discussion of paragraph 4 be deferred until the Committee came to consider article 16.

It was so agreed.

Paragraph 5

Mr. RAJ (India) said that the purpose of the Indian amendment to the paragraph (E/CONF.34/C.11/L.4) was to specify the time-limit within which the Council should fill a vacancy; that was done by the insertion of the words " as soon as possible ". It was also desirable, for the sake of clarity, to specify how the Council should fill a vacancy, and that was done by the addition of the words " by electing another member ".

Mr. GREEN (United Kingdom) said that the words " as soon as possible " were unnecessary. As soon as a vacancy occurred, the election of a new member would be placed on the Council's agenda automatically.

He wondered why the word " applicable " had been left out of the Indian amendment. It should be retained, for the member to be replaced might have been appointed either by WHO or by the United Nations, and the applicable provisions were not the same in both cases.

The Indian amendment also left out the words " for the remainder of the term ". Those words too should be retained, for otherwise the impression might be given that the replacement was to be elected for a longer period.

Mr. RAJ (India) said that he had no objection to the restoration of those words.

The CHAIRMAN put the Indian amendment to the vote.

The Indian amendment was adopted.

Dr. HALBACH (World Health Organization) asked whether, if the seat left vacant were that of a member appointed after nomination by WHO, WHO would be required to submit a new list of five candidates; it might have difficulty in finding five satisfactory candidates willing to serve for what might be only six months or a year.

Mr. CURRAN (Canada) said he thought that the matter should be left to the discretion of WHO. An explicit provision on the subject would overburden the text of the Convention unnecessarily.

Dr. HALBACH (World Health Organization) said that if the Committee agreed to include his question and the Canadian representative's reply in the summary record, he would not press the point.

Mr. BARONA (Mexico) associated himself with the terms of the Canadian representative's reply.

Paragraph 5, as amended, was approved.

Article 15
(Privileges, immunities and remuneration)

The CHAIRMAN suggested that the Committee consider paragraphs 1 and 2 together.

Paragraphs 1 and 2

Mr. GREEN (United Kingdom) said that his delegation entirely agreed with the opinion of the Office of Legal Affairs (E/CONF.34/1, p. 60) that the two paragraphs could be omitted, since members of the proposed Board would enjoy the same privileges and immunities as members of the PCOB. He accordingly proposed that the two paragraphs be deleted.

Mr. KRUYSSE (Netherlands) said he agreed that the two paragraphs were unnecessary since the provisions of the Convention on Privileges and Immunities of the United Nations could always be made to apply to members of the Board.

Mr. BELENOGOV (Union of Soviet Socialist Republics) and Mr. NIKOLIC (Yugoslavia) also supported the United Kingdom proposal.

Mr. ESTABLIE (France) said that he was not sure that, if the two paragraphs were omitted, it would be quite clear what privileges and immunities members of the Board would enjoy.

Mr. WATTLES, Legal Adviser, said that the position was not entirely clear in the case of the PCOB, since that body had been established under a treaty and had not originally been associated with the United Nations. In the present case, however, the position was much clearer, since the Board would be associated with the United Nations from the outset. There appeared to be no doubt that members of the Board were experts within the meaning of article VI of the Convention on Privileges and Immunities of the United Nations.

Mr. ESTABLIE (France) said he questioned whether expert status was really appropriate for members of the Board.

Mr. WATTLES, Legal Adviser, said that that was a question of substance which would have to be decided by the Conference. Expert status was granted to independent experts who did not represent their Governments and who carried out assignments for the United Nations.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that article IV of the Convention on Privileges and Immunities applied to representatives, article V to United Nations staff members and article VI to experts. To the best of his knowledge, it was not explicitly stated that members of the PCOB were covered by article VI, but it could be deduced by a process of elimination. He had spoken at length on the subject in the twenty-first plenary meeting. There he had emphasized the opinion of the President of the PCOB that it was important to provide for the privileges and immunities of members of the Board, as their status would otherwise be reduced to that of experts. Furthermore, the very fact that the Economic and Social Council had adopted resolution 123 (VI) E showed that it had wished to confer a suitable status on members of the Board, though it was not clear whether the intention had been to grant them merely expert status. Lastly, as the Legal Adviser had pointed out at the same plenary meeting, under article VI, the salaries of Board members would not be exempt from national taxation. If members of the Board were to receive adequate remuneration, as provided under article 15, paragraph 3, of the third draft, care should be taken not to take away with one hand what had been given with the other, as that might deter suitable candidates.

Mr. WATTLES, Legal Adviser, said that the Office of Legal Affairs had given its opinion that members of the Board should be regarded as experts on mission. That opinion had been brought to the notice of Governments and no problem had been raised in that connexion.

The United Kingdom amendment, to delete paragraphs 1 and 2, was adopted.

Paragraph 3

Mr. GREEN (United Kingdom) proposed that, since the two preceding paragraphs had been deleted, paragraph 3 should be added to the end of article 14, the title of which would then be amended to read " Terms of office and remuneration ".

Mr. BORONA (Mexico) supported the proposal.

The CHAIRMAN suggested that the question be referred to the Drafting Committee.

Mr. BELONOGOV (Union of Soviet Socialist Republics) suggested that the words " on the recommendation of the Council " be deleted, since the Council would have no part in the matter.

Mr. LANDE, Deputy Executive Secretary, said that, if his memory served, it was on the Council's recommendation that the General Assembly had decided to remunerate the members of the present Board.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that that observation strengthened his conviction that it would be better to delete the words in question, since it was, in fact, the General Assembly which made the decision.

The CHAIRMAN put the USSR amendment to the vote.

The USSR amendment was adopted.

The CHAIRMAN put the United Kingdom amendment to the vote.

The United Kingdom amendment was adopted.

Paragraph 3, as thus amended, was added to the end of article 14.

Article 16 (Rules of procedure)

The CHAIRMAN invited the Committee to consider article 16, to which Poland had submitted an amendment (E/CONF.34/C.11/L.1).

Mr. WIECZOREK (Poland) suggested that, since the Polish amendment referred to article 19, it would be better to consider article 19 first.

It was so agreed.

Article 19 (Functions of the Board)

The CHAIRMAN said that India had proposed amendments (E/CONF.34/C.11/L.3) to four of the paragraphs of article 19.

Mr. RAJ (India) said that the Indian amendment mainly consisted of drafting changes to simplify and improve the text; in the case of paragraph (*f*), the purpose was to bring it into line with article 23.

Mr. GREEN (United Kingdom) said he wondered whether there was any necessity to recapitulate the Board's functions, which were stated in detail elsewhere. His delegation felt that it would be best to delete the article entirely or, failing that, to model the text on article 11, relating to the Commission, and to say, for

example: " The Board shall carry out the functions assigned to it under the Convention and, in particular, etc."

Mr. de BAGGIO (United States of America) said that it was always dangerous to try to make a catalogue of all proposed functions, and he would prefer to see the article drafted in quite general terms. There were differences between the wording of the article and that of article 23, on reports to the Council and Parties.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he agreed with the United States representative; the Convention would be improved if the article were deleted.

Mr. DANNER (Federal Republic of Germany) and Mr. KRUYSSE (Netherlands) concurred.

Dr. MABILEAU (France) said that he was always in favour of an article of that kind because it was of value to anyone unfamiliar with the Convention, but, in the face of such unanimity, he would not oppose its deletion.

Article 19 was deleted.

Article 16 (Rules of procedure)
(resumed from earlier in the meeting)

Mr. WIECZOREK (Poland) said that his delegation's amendment (E/CONF.34/C.11/L.1) was prompted by the fact that article 14 envisaged the possibility that some members might fail to attend meetings of the Board. In practice, attendance often dropped towards the end of sessions when members' zeal tended to slacken. His delegation considered that the Board's decisions should not be taken without a quorum. In its original amendment the quorum had been set at six, but now that the membership had been increased to eleven, the figure should be raised to eight. It should be noted that article 19 of the 1925 Convention also provided for a quorum. He asked for a decision first on paragraph 3 in his amendment.

Mr. CURTIS (Australia) said that the paragraph 3 proposed by Poland was unnecessary. His delegation had no strong views on the most suitable number for the quorum, but it would be better to let the Board fix the quorum itself when it drew up its rules of procedure.

The CHAIRMAN suggested that article 16 be considered paragraph by paragraph, beginning with the two paragraphs of the draft.

It was so agreed.

Paragraph 1

Mr. NIKOLIC (Yugoslavia) said that, although the paragraph contained only a statutory provision, it would be advisable to state the term of office of the Board's officers, in order to ensure that the president, once elected, did not remain in office indefinitely and did not combine the office of president with the functions of a member.

Mr. GREEN (United Kingdom) said that the provision in paragraph 1 had been taken from the 1925 Convention and had never caused any difficulty. The Board elected its president for a term of office equal to that of its members. It was pointless to amend the paragraph.

Mr. NIKOLIC (Yugoslavia) said that, with all due respect for tradition, the Conference had been convened for the specific purpose of revising the existing conventions. If, by tradition, the president was elected for three years or for any other term, there was no reason why that should not be stated explicitly.

Mr. ASLAM (Pakistan) asked what was meant by " such other officers as it may consider necessary ".

Mr. LANDE, Deputy Executive Secretary, replied that the existing Board had a President and a Vice-President and that the future Board should be given some discretion with regard to any other officers it might deem it necessary to elect.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the present Board had only a President and a Vice-President, but it had only eight members; since the future Board would consist of eleven members, the number of its officers might have to be increased. However, there was no risk involved in leaving that question to the Board. The term of office of the President and the Vice-President was at present one year, but the same President had on occasion been re-elected from one year to another. As for the slackening of members' zeal which the representative of Poland seemed to fear, he could assure him that in practice the members of the Board had always shown a keen sense of responsibility. The Board met only twice a year, for a period of two weeks each time, which was not excessive. As the representative of Australia had said, it was preferable to allow the Board to adopt its own rules of procedure. The Board's prestige should not be diminished by all kinds of minor provisions if it was desired that eminent persons should serve on it.

Mr. CURRAN (Canada) said the Board should be left to fix the quorum itself. He would like to know whether the officers included only the president and the vice-president or whether they also included the secretary, the treasurer, and so on. The question of the President's term of office was a difficult one; it was not desirable that the same person should hold that office permanently, but once a president had been elected some members might find it embarrassing to elect another later on. At the same time, it was essential to ensure a change of president. That was why the rules of certain large corporations provided that the president could be re-elected but only after an interval equal to the term of office.

Mr. BELONOGOV (Union of Soviet Socialist Republics) asked if the representative of the Permanent Central Opium Board could tell them whether the rules of procedure of the present Board existed in written form.

Mr. ATZENWILER (Permanent Central Opium Board) replied that they had existed in written form since 1928 when the Board was established, and they had been amended several times since then.

Mr. WATTLES, Legal Adviser, replying to the question raised by the representative of Canada, said that

" the officers " were generally taken to include a president, one or more vice-presidents and possibly a rapporteur. The secretary, who usually was also the treasurer, was not included; under article 24 of the Convention, he was appointed by the Secretary-General.

Mr. BITTENCOURT (Brazil) said that in that case the officers could be specified in paragraph 1, instead of using the vague expression " such other officers as it may consider necessary ".

Mr. ESTABLIE (France) said it would be wise to include as few provisions as possible in article 16. Some time in the future, the Board might have sound reasons for amending its rules of procedure, and it would be regrettable if the Convention had to be amended in consequence. It would be better to include no specific provisions concerning the Board's rules of procedure in the article.

Mr. JOHNSON (Liberia) said he agreed; the question was one of substance, not merely of drafting.

Mr. CURRAN (Canada) suggested that the officers to be elected might be indicated, but their number left to the Board's discretion.

Mr. LANDE, Deputy Executive Secretary, said that there seemed to be general agreement that the term " other officers " did not include the secretary or treasurer, but only the vice-president or rapporteur. It was for the Drafting Committee to decide whether the term " officer " was satisfactory or whether some other term should be used.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that, in view of the provisions of articles 12 and 24, there was little danger of confusing the officers of the Board with the members of its secretariat. Moreover, the officers of the Board were elected to perform particular functions. Paragraph 1 was not ambiguous. It was preferable, therefore, to retain it as it stood so as to avoid making it too restrictive. Any fear that the Board might be lacking in objectivity in electing its officers was completely unjustified.

The meeting rose at 1 p.m.

FIFTH MEETING

Friday, 10 March 1961, at 3.5 p.m.

Chairman: Mr. BLOMBSTEDT (Finland)

Consideration of Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/L.12; E/CONF.34/C.11/L.1, 3 and 4) (*continued*)

Article 16 (Rules of procedure) (*continued*)

Paragraph 1 (continued)

The CHAIRMAN invited the Committee to continue its consideration of paragraph 1 of article 16.

Mr. NIKOLIC (Yugoslavia) said that the paragraph ought to include some reference to the term of office of the President. He proposed that the President be allowed to serve for two consecutive terms and be eligible for a further term after a suitable interval.

Mr. CURRAN (Canada), supporting the Yugoslav representative's proposal, said it would not detract from the dignity of the office of President to place a limitation on the term for which it could be held. Such a provision would also avoid causing any embarrassment to the President in office, if it were decided to elect a new President.

Mr. GREEN (United Kingdom) said that while he had no objection to a limitation on the number of successive terms a President could serve, he wondered whether it was appropriate to insert such a provision in the Convention. It seemed to him that the Board, which was being empowered, under the article, to adopt its own rules of procedure, was in the best position to decide such a matter.

Mr. KRUYSSE (Netherlands) said he supported the Yugoslav representative's proposal.

Mr. ASLAM (Pakistan), also supporting the Yugoslav proposal, said that two terms of office in succession would be ample, especially as the President would be eligible for re-election after an interval.

Mr. BELONOGOV (Union of Soviet Socialist Republics), also supporting the Yugoslav proposal, said it was desirable that the Convention should contain a provision of that kind.

Mr. de BAGGIO (United States of America) said that the provision should not be made too specific. As it stood, such matters were left to the Board to decide. He feared that if there were a specific rule that presidents could serve for two consecutive terms, they would invariably be elected for two full terms.

Mr. JOHNSON (Liberia) said that his delegation would object to any provision which limited the President's term of office.

Mr. ESTABLIE (France) said that it was inappropriate for the Convention to lay down detailed rules of procedure for the Board. The Yugoslav proposal might have some merit, but it should not be adopted.

The CHAIRMAN put the Yugoslav proposal to the vote.

The Yugoslav proposal was rejected by 10 votes to 9, with 4 abstentions.

The CHAIRMAN put paragraph 1 to the vote, on the understanding that the reference to rules of procedure would not prejudice the Polish proposal to add two additional paragraphs to the article (E/CONF.34/C.11/L.1).

Paragraph 1 was adopted by 19 votes to 1, with 2 abstentions.

Mr. BITTENCOURT (Brazil) explained that he had voted against the paragraph because he considered

that the phrase " such other officers as it may consider necessary " was too vague.

The CHAIRMAN said that he understood the phrase to include only vice-presidents and rapporteurs; that was the practice in other bodies of the same kind.

Paragraph 2

Paragraph 2 was unanimously approved.

The CHAIRMAN invited the Committee to consider the Polish amendment to add two paragraphs to the article (E/CONF.34/C.11/L.1).

Mr. WIECZOREK (Poland) said that at the previous meeting he had proposed that the quorum for decisions taken at meetings of the Board be increased from six, the figure stated in his amendment, to eight; since, however, a number of delegations seemed to consider that figure too high, he now proposed that the quorum be seven members. It appeared to be customary to provide that a quorum be half the membership plus one.

The CHAIRMAN put to the vote the first part of the Polish amendment, to add a paragraph 3 which now read: " The quorum necessary for meetings of the Board shall be seven members."

The first part of the Polish amendment was adopted by 14 votes to none, with 7 abstentions.

Mr. WIECZOREK (Poland) said that the second part of his amendment required certain alterations. During the consideration of a number of articles concerning the functions and decisions of the Board under the Convention, a question had arisen as to the majority required for important decisions. A number of delegations had considered that decisions under article 20, paragraph 3, should require a two-thirds majority; others had thought that decisions under article 14, paragraph 4, should also require a large majority. Since important decisions would have to be taken under a number of other articles, he proposed that paragraph 4 read:

" 4. Decisions on questions connected with the fulfilment of the functions of the Board specified in articles 14, paragraph 4, 20, paragraph 3, 22, 23 and 29 of this Convention shall be taken by a majority of all the members of the Board."

Mr. RAJ (India) said that when the report of the *ad hoc* Committee on article 22 had been considered in the plenary meeting, it had been agreed that decisions under article 22 require a two-thirds majority. Was it possible to adopt a different principle for decisions under other articles ?

Mr. ASLAM (Pakistan) said that it might be better to state the majority required in the individual articles rather than make an omnibus provision in a separate article.

Mr. WIECZOREK (Poland) pointed out that article 16 was entitled " Rules of Procedure "; it therefore seemed the most appropriate place in the Convention for such a provision. With regard to the report of the *ad hoc* Committee on article 22, it had been the opinion of the Committee that the question of the place for the provision should be considered in connexion with the report of the present Committee. His delegation was quite prepared to accept the proposal that there should be a two-thirds majority, but felt that it raised a difficulty because there were eleven members of the Board. He accordingly hoped that the Indian representative would find it possible to accept the wording he had just proposed.

Mr. RAJ (India) said that there was no point in discussing matters that had already been settled in the plenary meeting; it would be better to provide for a two-thirds majority in all cases. In answer to the point raised by the Pakistan delegation, he said it was the normal practice to deal with the matter in a single article, to facilitate reference.

Mr. GREEN (United Kingdom) said he could not agree that the matter had already been settled in the plenary meeting; the only thing settled had been that decisions of the Board under article 22 should be taken by a two-thirds majority of the whole number of the Board. While he felt that the matters dealt with in the Polish amendment could best be left to the Board, he had no objection to the amendment, though personally he would prefer a simple majority to a two-thirds majority.

Mr. KRUYSSE (Netherlands) said that the Committee was certainly bound by a plenary decision concerning article 22. Moreover, when article 14, paragraph 4, had been discussed at the previous meeting, it had been felt that the decision concerned would have to be taken by a large majority. However, he wondered whether it was really necessary to include decisions under article 20, paragraph 3, and article 29 among those requiring a majority of all the members of the Board. Under article 29 the Board was merely required to take an automatic decision, so there seemed little need for a qualified majority; also, the measures in question were usually taken by the secretariat of the Board, without reference to the members. In the case of article 20, paragraph 3, he had pointed out earlier that the establishment of estimates was one of the obligations of the Board and that such decisions involved technical rather than legal considerations; there again, the estimates were established by the technical staff of the Board and not by the members. He asked whether the representative of Poland would agree to omit the reference to those two articles from his amendment.

Mr. WATTLES, Legal Adviser, pointed out that the first part of the Polish amendment, which the Committee had just adopted, provided for a quorum of seven members, whereas article 22, paragraph 6, provided for a majority vote of eight.

Mr. ESTABLIE (France) said he agreed with the Netherlands representative that it would be difficult to include article 29 in the list of articles requiring a majority of all the members of the Board because the statistical returns of imports and exports referred to in that article were prepared quarterly. For the same reason, he also

supported the view of the Netherlands representative concerning article 20, paragraph 3. Otherwise, he had no objections to the Polish amendment, as it would be useful to have a decision by the majority of the whole membership.

Mr. NIKOLIC (Yugoslavia) said he agreed with the representatives of the Netherlands and France that article 29 should not be mentioned in the amendment, since the Board's action under that article entailed calculations based on the statistics supplied by States themselves rather than decisions in the real sense of the term. But he could not agree that article 20, paragraph 3, came into the same category. In the case of the estimates to be established under that paragraph, the Board would itself have to make an estimate, which would be a complex matter. Any decision on a question of that kind should be taken by a large majority.

Mr. WIECZOREK (Poland) said that, although his delegation had felt that article 29 dealt with matters of some importance, since some delegations differed from that view, he would agree to omit the reference to it. The Legal Adviser had made a valid point concerning the discrepancy between the quorum and the majority required.

Mr. RAJ (India) said that decisions of the Board under article 29, paragraph 4, were very important and should be taken by a two-thirds majority. He suggested that the Committee reconsider the inclusion of a reference to article 29 in the Polish amendment.

Mr. KRUYSSE (Netherlands) formally proposed the deletion from the Polish amendment of the reference to article 20, paragraph 3.

Mr. GREEN (United Kingdom) said that he would have to vote against the Polish amendment, because, as the Legal Adviser had pointed out, it was anomalous to fix a quorum of seven and then to require a majority of eight for a decision.

Mr. ATZENWILER (Permanent Central Opium Board) said that ever since its inception, the Drug Supervisory Body had been composed of four members, so that three constituted a majority. In the event of a tied vote, the President had the casting vote. It was, therefore, possible for estimates to be established by the vote of two members.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he agreed that it was inadvisable to require a quorum of eight members for decisions under article 22 and a quorum of seven for other decisions. However, as the Conference had already decided at its thirtieth plenary meeting to require a two-thirds majority of the members of the Board for decisions under article 22, he suggested that, if the Polish amendment providing for decisions to be taken by a simple majority were adopted, a proviso should be added that decisions under article 22 were excepted.

Mr. WIECZOREK (Poland) said he would like to know whether the Committee preferred a two-thirds majority or a simple majority of all the members of the Board for decisions under article 14, paragraph 4, article 20, paragraph 3, and article 23.

Mr. CURRAN (Canada) said that if a quorum was to have any validity, it must be able to make decisions.

Mr. de BAGGIO (United States of America) said it would be better not to include any provision regarding majorities in article 16. If it were found necessary to stipulate that particular decisions must be taken by a qualified majority, that could be done in the article concerned.

Mr. ARVESEN (Norway) suggested that the difficulty of a two-thirds majority of an eleven-member Body might be avoided by stating, as in Article 27 of the Charter, that decisions should be made by an affirmative vote of a specified number of members.

Mr. WIECZOREK (Poland) proposed that, in order to meet the difficulty, the Committee reconsider the decision on paragraph 3 and increase the quorum from seven to eight. It would then be possible in paragraph 4 to require decisions to be taken by a two-thirds majority of all the members of the Board, in line with the decision taken by the plenary meeting regarding article 22.

Mr. CURRAN (Canada) said it was quite conceivable that four of the eleven members of the Board might be unable to attend a Board meeting, and that would mean, if a quorum of eight members was required, that no business could be conducted. If paragraph 4 of the Polish amendment were put to the vote, he would ask for a separate vote on the words " two-thirds majority ".

Mr. KRUYSSE (Netherlands) said that to fix a quorum of eight for decisions under article 20, paragraph 3, might delay the establishment of estimates by the Board, and no trade in narcotic drugs could be undertaken until estimates had been established. As the representative of the DSB had pointed out, for the past thirty years the votes of two members of the Supervisory Body had been sufficient to establish estimates. He was therefore reluctant to approve the proposal to raise the quorum from seven to eight members; indeed it might be better to delete paragraph 3 altogether.

Mr. WIECZOREK (Poland) said he would withdraw his proposal to increase the quorum from seven to eight. As the question of establishing a single rule of procedure regarding majorities gave rise to such difficulty, he would also withdraw his proposal for an additional paragraph 4. Whenever a qualified majority was required, the necessary provision could be inserted in the article concerned, as had been done in article 22.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that the Single Convention should include a provision for a quorum, since that would compel the Board to take decisions only when a majority was present. When the Committee had decided to fix the quorum at seven, it had not been aware of the decision of the plenary meeting to require a quorum of eight for decisions under article 22. To meet that difficulty, he proposed the addition to paragraph 3 of the words " and for the purposes of article 22 shall consist of eight mem-

bers of the Board ". He agreed with the Norwegian representative's suggestion that the Committee should avoid reference to a two-thirds majority of the Board by using the wording " the affirmative vote of eight members ".

Mr. WIECZOREK (Poland) suggested that the same effect could be secured by prefacing paragraph 3 with the words: " Without prejudice to decisions under article 22 ".

Mr. de BAGGIO (United States of America) said it was not necessary to state that decisions under article 22 would require eight members, as that was already clear from paragraph 6 of that article.

Mr. ESTABLIE (France) said that an alternative to the USSR proposal would be to refer the matter to the plenary Conference, with a request that the decision to require a two-thirds majority in article 22, paragraph 6, be modified. The problem was, in any case, not a substantive one and should not call for lengthy discussion.

Mr. KRUYSSE (Netherlands) said that a reference in article 22 alone would not meet the case; a similar reference would have to be made in article 14, paragraph 4. If the United States representative was right, it might not be necessary to provide for a quorum where a two-thirds majority was already required. Perhaps the Legal Adviser could offer some guidance on that point.

Mr. RAJ (India) said that the quorum specified in the first paragraph of the Polish amendment, namely, seven, was quite satisfactory, because a quorum was usually smaller than the number of votes required for a decision; there was therefore no need for any special provision in article 22. There should be a clear understanding that the number for a quorum and the majority required in the voting were two different matters; the provisions relating to each should, however, be the same for all the articles to which they applied.

Mr. WATTLES, Legal Adviser, said that a quorum was a rather broader matter than simply the number of votes that must be cast for the adoption of a particular decision. A quorum was the number necessary for doing business. Without a quorum, a meeting could not even open. It would seem only natural to make the same requirement for a quorum as for voting, and that the same number should be required for discussion of a matter as for voting on it.

Mr. CURTIS (Australia) said that the Committee was looking at the question from the wrong angle. The number required for a quorum need not always correspond to the number of votes for a valid decision. The important thing was for the Committee to decide whether it wished to include provisions regarding the majorities required for certain decisions, and if so, what majorities. Thr question of a quorum could easily be settled in the rules of procedure. For those reasons, he was unable to support the USSR proposal. He agreed with the United States representatives that if a two-thirds majority of all members was needed for decisions on article 22, that settled the quorum also.

Mr. ESTABLIE (France) said he agreed that, as a two-thirds majority was now provided for in article 22, paragraph 6, it was unnecessary to specify a quorum in that article. If the USSR representative pressed his proposal to a vote, the French delegation would ask for a vote to be taken first on the principle whether it was desirable to insert such a provision in the text of the Convention, and next on whether the text he had suggested for article 22, paragraph 6, would meet the USSR representative's point. However, he still felt that it would be best not to insert such a provision.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that he had been surprised that his proposal had not received a more enthusiastic welcome, for it was obviously logical. To his mind, it was a matter of common sense not to specify a quorum of seven in one place and a majority of eight in another. However, after listening to the discussion he was convinced that the quorum for questions covered by article 22 was the number required for a majority, namely, eight. For that reason, he would not press his proposal.

The CHAIRMAN said that, with the withdrawal of both the Polish and USSR amendments, it now remained only to vote on article 16 as a whole, as amended.

Article 16 as a whole, as amended, was approved.

Article 14 (Terms of office)
(resumed from the previous meeting)

Paragraph 4 (continued)

Mr. GREEN (United Kingdom) formally moved the deletion of the words " by a three-fourths majority and ".

The CHAIRMAN put the United Kingdom amendment to the vote.

The United Kingdom amendment was adopted.

Mr. ARVESEN (Norway) proposed that a new sentence be added at the end of the paragraph to read " Such recommendation shall be made by an affirmative vote of eight members of the Board."

Mr. KRUYSSE (Netherlands) said he supported that proposal in principle, but felt that there would be some inconsistency in using different wording in article 14 and article 22 to specify a two-thirds majority. He suggested that the Dratfing Committee be asked to find an appropriate wording, which would be the same in each case.

It was so agreed.

The CHAIRMAN put the Norwegian amendment to the vote.

The Norwegian amendment was adopted.

Mr. CURRAN (Canada) said that the wording of the paragraph was unsatisfactory. The conditions for membership must have been fulfilled at the time a Government proposed a candidate for appointment to the Board and it would therefore be derogatory to a Government

to tell it that the conditions had not been fulfilled after its candidate had been appointed.

Mr. WATTLES, Legal Adviser, said that what paragraph 4 was intended to cover was the unlikely event of a member's failure to comply with the provisions of article 13, paragraph 3, either by having discredited himself in some way or by having become ill. To make the point quite clear, he suggested that the words " conditions required for membership " be replaced by the words " conditions required by paragraph 3 of article 13 ".

It was so agreed.

Paragraph 4, as thus amended, was approved.

Article 14, as amended, was approved.

Article 23 (Reports to the Council and Parties)

Paragraph 1

The CHAIRMAN invited the Committee to consider article 23, the last of the nine it had been set up to deal with.

Mr. ATZENWILER (Permanent Central Opium Board) suggested the deletion of the words " in respect of each country or territory for the preceding year ". Narcotics activity in some of the non-metropolitan territories was so small that it would be a waste of time for the Board to be forced to make an analysis every single year.

The PCOB amendment was adopted.

Mr. GREEN (United Kingdom) suggested that the paragraph would be improved by amending the first sentence to read: " The Board shall prepare an annual report on its work and such additional reports as it may consider necessary ", the rest of the sentence being deleted, and then following it with the present second sentence. That would bring the text more into line with article 27 of the 1925 Convention, which was simple and concise.

Mr. LANDE, Deputy Executive Secretary, pointed out that article 23 combined part of article 27 of the 1925 Convention and part of article 14, paragraph 3, of the 1931 Convention, which provided for an analysis of the estimates and statistics by the Board.

Mr. GREEN (United Kingdom) said that he did not wish to press his suggestion, but if the present text were retained, he proposed that the words " and recommendations " be inserted after the word " observations ". That would replace the provision on recommendations in article 19, dealing with the functions of the Board, which had now been deleted.

The United Kingdom amendment was adopted.

Mr. NIKOLIC (Yugoslavia) said that the expression " unless considered unnecessary " was not very felicitous when applied to explanations given by Governments.

Mr. RABASA (Mexico) suggested that the words be deleted; an account should always be given of any explanations given by Governments.

Mr. GREEN (United Kingdom) pointed out that the Board could ask for explanations on quite minor points, such as a small change in the estimate for a certain drug. That was the kind of explanation to which the present paragraph referred, not the explanations on major questions, which should always be published.

Mr. ATZENWILER (Permanent Central Opium Board) said he could endorse the United Kingdom representative's interpretation.

Mr. NIKOLIC (Yugoslavia) said he doubted whether the wording in the French text, " *à moins qu'il ne paraisse superflu* ", could really be interpreted in the sense indicated by the United Kingdom representative.

Mr. ESTABLIE (France) said that the intention was undoubtedly to express the idea explained by the United Kingdom representative, but the word " *superflu* " was a little too strong.

Mr. KRUYSSE (Netherlands) said it seemed to him that the English and French texts did not entirely agree. The passage should be referred to the Drafting Committee for rewording.

It was so decided.

Mr. ATZENWILER (Permanent Central Opium Board) said that, in the considered view of PCOB and DSB (E/CONF.34/1, p. 90), it was unnecessary to stipulate in the Convention that the reports of the Board must be submitted " through the Commission "; since the Commission was a functional commission of the Council, the Council itself should decide on the form of submission.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that for many years it had been the practice for the Board to submit its reports to the Council through the Commission. The Commission was thereby given an opportunity to make recommendations concerning the Board's reports. His delegation therefore favoured the retention of the last sentence of the paragraph.

Mr. BEVANS (United States of America) said his delegation supported the view expressed by the USSR representative concerning the words " through the Commission ". Good administrative practice and organizational procedures required the retention of those words.

Paragraph 1, as amended, was approved.

Paragraph 2

Mr. RAJ (India) said that the second sentence was too rigid; there were circumstances in which unrestricted distribution of the reports was not possible. He therefore proposed that the beginning of the sentence be reworded to read " The Parties shall, to the extent possible, permit . . . "; that would make the provision permissive instead of mandatory.

Mr. KRUYSSE (Netherlands) said that the Indian representative was interpreting the text too strictly. In the view of the Netherlands Government, all that

was needed to meet the obligation was to ensure that the reports were on sale at one bookshop.

Mr. RAJ (India) said that the situation was not quite the same in India, where a central authority received the reports and was required to distribute them to the various authorities concerned with narcotics control, both in the central Government and in the different states. There were a number of sales agents for United Nations publications, but sending the reports to them could not really be called distribution. His Government was ready to do what it could to ensure distribution, but it could not accept a hard and fast commitment.

Mr. NIKOLIC (Yugoslavia) said that he was unable to see the Indian representative's difficulty. The Parties were not being asked to undertake the unrestricted distribution of the reports, but merely to permit it. His apprehensions were unfounded and he urged him not to press his proposal.

Mr. RAJ (India) said he would not press his amendment, on the understanding that the existence of an agency to sell United Nations publications within the country would satisfy the requirement imposed by the second sentence of the paragraph. Even so, he would prefer the expression " shall permit " to " undertake to permit ", which was too emphatic.

Mr. BELOGONOV (Union of Soviet Socialist Republics) proposed the deletion of the second sentence of the paragraph. His objection to that sentence was legal rather than practical. The Board's reports were distributed throughout the Union of Soviet Socialist Republics through the United Nations Information Centre and scientific institutes, but his Government could not accept a provision requiring the Parties to transmit any information whatever, because it would violate the sovereign right of a State to determine what information should be disseminated within its territory.

Mr. CURRAN (Canada) said that the first sentence of the paragraph did not make it clear by whom the reports should be published, whether by the Governments concerned or by the United Nations.

Mr. LANDE, Deputy Executive Secretary, said he thought that was a drafting point only. No doubt either the Board or the United Nations, not the Parties, would publish the reports.

Mr. SHARP (New Zealand) said it had been his delegation's understanding that the reports would be sent to Governments first and later published by the Board. The opposition to the second sentence of the paragraph appeared to be based on a misapprehension that active measures would be required of Governments, whereas in fact a Party would only be obliged not to obstruct the distribution of the reports within its territory. His delegation favoured the retention of the second sentence.

The CHAIRMAN put to the vote the USSR amendment for the deletion of the second sentence of paragraph 2.

The USSR amendment was rejected by 12 votes to 6, with 3 abstentions.

Paragraph 2 was approved.

Article 23 as a whole was approved.

The CHAIRMAN said that the Committee had now concluded its task.

The meeting rose at 6 p.m.

---

11. *Ad hoc* Committee on Articles 44-46 of the Third Draft

FIRST MEETING

Monday, 13 March 1961, at 11.20 a.m.

Acting Chairman: Mr. YATES
(Executive Secretary of the Conference)
Chairman: Mr. BITTENCOURT (Brazil)

Election of Chairman

The ACTING CHAIRMAN called for nominations for the office of Chairman.

Mr. RABASA (Mexico) proposed Mr. Bittencourt (Brazil).

Mr. CURRAN (Canada) seconded and Mr. ASLAM (Pakistan), Dr. MABILEAU (France), Mr. NIKOLIC (Yugoslavia), Mr. BOULONOIS (Netherlands), Mr. BANERJI (India), Mr. WIECZOREK (Poland), Mr. GIORDANO (United States of America) and Mr. BERTI (Venezuela) supported the proposal.

Mr. Bittencourt (Brazil) was elected Chairman by acclamation and took the Chair.

Consideration of Articles 44-46 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/L.5/Rev.1/L.13 and L.19; E/CONF.34/C.12/L.1, L.2 and L.3/Rev.1)

The CHAIRMAN said that the Committee had been set up at the twenty-seventh plenary meeting to deal with articles 44, 45 and 46, which together constituted chapter IX, Measures against Illicit Traffickers. At the twenty-sixth plenary meeting, it had been decided that the *ad hoc* committee dealing with article 44 should co-operate with the *ad hoc* committee dealing with article 25 so that the two articles could be considered together: It would therefore be better to begin by considering article 45.

Article 45 (Penal provisions)

Mr. CURRAN (Canada) said that his delegation had given a good deal of thought to article 45 because it realized both the importance of the penal measures which would have to be adopted to suppress the illicit traffic and give national law the necessary force, and the difficulty of finding a text to cover all the different legal systems. The third draft text of the article could obviously be improved on, but it was too late to depart radically from a wording which had already been the subject of careful study and detailed comment by Governments. His delegation had therefore decided to submit a re-draft (E/CONF.34/C.12/L.1) which, while retaining some of the original text, also attempted to meet certain criticisms that had been made during the debate in the plenary meeting.

Paragraph 1 of the re-draft contained an enumeration of the offences for which penal measures were to be laid down, and was a repetition of the draft paragraph 1, down to the end of sub-paragraph (*a*); conspiracy and attempts to commit an offence, and preparatory acts, covered by sub-paragraphs (*b*) and (*c*) of the draft, were dealt with in paragraph 2 of the re-draft. To meet the wishes of several delegations as expressed during the debate, paragraph 2 now opened with a proviso similar to that at the beginning of paragraph 1. He was indebted to the Danish representative for having suggested to him a more concise wording for that proviso, which should now be amended to read: " Subject to the constitutional limitations of a Party, its legal system and domestic law . . ." Paragraph 2 (*b*) corresponded to paragraph 3 of the draft but now met the constitutional and legal difficulties of common law countries, by making the proviso at the beginning of the paragraph applicable to the offences listed in paragraph 1 and sub-paragraph 2 (*a*) (ii), which were to be treated as extraditable. Paragraph 3 reflected a proposal by the Chilean delegation and paragraph 4 took account of some of the comments of the Netherlands delegation.

His delegation's aim had been to provide as generally acceptable a text as possible, without losing any of the force of the original. His Government took a very serious view of narcotics offences in general and was considering imposing heavier penalties, even life imprisonment, on illicit traffickers. It was also considering legislation which would make it easier for the authorities to act against the principals as well as the agents in the illicit traffic. He agreed with the representative of the International Criminal Police Organization that strict enforcement measures everywhere were essential, but it was useless to attempt to impose on countries obligations which they could not meet without changing their legal system and domestic law. The most that could be done was to emphasize the importance of strengthening the laws against illicit traffickers and to leave individual countries to take the steps that they saw fit.

The re-draft contained no reference to the punishment of an offender in one country for crimes committed elsewhere. For Canada, as for all the common law countries, that would present very great difficulties, but countries that did not have the same legal system and wished to adopt such a measure could do so under article 44.

His delegation was not wedded to the wording of the re-draft and would welcome suggestions for its improvement. It should be regarded as a framework into which other proposals could be fitted.

Mr. BOULONOIS (Netherlands) said that article 45 was one of the most important of the Convention. However, as he had pointed out in the plenary meeting, some of its provisions were inconsistent with Netherlands criminal law and with the treaties between the Netherlands and other countries concerning extradition and mutual assistance in judicial matters.

First, under Netherlands law, conspiracy or an attempt to commit, or a preparatory act in respect of, any of the acts referred to in paragraph 1 (*a*) was not a punishable offence unless the commission of the act had begun. Under paragraph 1 (*b*) the parties were required to punish conspiracy and attempts to commit such acts; only in paragraph 1 (*c*), concerning " preparatory acts ", was the requirement qualified by the proviso " to the extent permitted by domestic law ". He was therefore unable to accept that obligation. In certain countries, including the Netherlands, no distinction was made between " attempts to commit " and " preparatory acts "; he therefore preferred the wording " uncompleted form of the offences " used in the Netherlands amendment (E/CONF.34/L.5/Rev.1).

Secondly, he thought that the words " particularly by imprisonment or other penalties of deprivation of liberty " in paragraph 1 (*c*) exceeded the scope of the Convention. The Netherlands penal system was based on the principle of a minimum and a maximum penalty. Accordingly, while it would be possible to include in the Netherlands penal code a provision defining narcotics offences and laying down a maximum penalty, the severity of the penalty inflicted was a matter for the judge's discretion.

Thirdly, he could not accept paragraph 2 (*a*) because it would permit an undesirable accumulation of penalties, which would be contrary to the law in many countries.

Fourthly, he was not in favour of making the principle of universality applicable to recidivism. The Netherlands penal system took recidivism into account only in specific cases.

Fifthly, as was pointed out in footnote 43 to paragraph 2 (*c*), the territorial principle generally prevailed in international criminal law; he could accept the principle of universality only in a limited number of cases, such as piracy on the high seas.

Sixthly, he found the wording of paragraph 4 insufficiently clear.

Lastly, no provision was made in the article for international judicial assistance in criminal matters.

It was apparent from the number of amendments submitted to the article that the present wording was far from satisfactory. In principle, he was in favour of the joint amendment by Brazil and Iran (E/CONF.34/

C.12/L.3/Rev.1). Since complicity was often involved in the case of such financial operations, it might be as well to include a reference to it in paragraph 1 (*b*). With regard to the joint amendment by Brazil, India and Iran (E/CONF.34/C.12/L.2), which provided for international judicial assistance, it should be noted that the Netherlands amendment included a similar provision, which related not only to the international transmittal of legal documents but to international judicial assistance in general. Thus, while he appreciated the merits of the joint amendment, he preferred the Netherlands amendment. With regard to the Chilean amendment to paragraph 4 (E/CONF.34/L.13), he would like some information on its purpose. While he fully agreed with the Indian amendment (E/CONF.34/L.19), he had to point out that the provisos it contained were to be found both in the Canadian re-draft and in the Netherlands amendment.

As he had explained in the plenary meeting, paragraph 1 of the Netherlands amendment was based on article 4, paragraph 2 (*c*), of the third draft. The list of punishable offences in sub-paragraph 2 (*a*) (i) was the same as in the Convention. The term " any uncompleted form of the offences " in sub-paragraph 2 (*a*) (ii) covered conspiracy to commit, attempts to commit and preparatory acts; the term " any form of participation therein " covered all forms of participation — intentional participation, complicity and, to some extent, conspiracy. Paragraph 2 (*b*) was a provision on international judicial assistance, while paragraphs 2 (*c*) and 2 (*d*) dealt with extradition practice, which was in many cases based on treaties.

On the whole, he considered the Canadian re-draft preferable to the third draft, but with reservations. He could not accept the words " particularly by imprisonment or other penalties of deprivation of liberty " in paragraph 1. The wording of sub-paragraph 2 (*a*) (i) was identical with that of paragraph 2 (*a*) in the third draft, which, as he had already pointed out, would involve an unjustifiable accumulation of penalties; in sub-paragraph 2 (*a*) (ii) he would prefer the wording " any uncompleted form of the offences ", but hoped that a compromise could be found that would be acceptable to the common law countries. Lastly, he could not accept provisions which introduced the principle of universality in respect of recidivism and prosecution. He therefore reserved the right to submit his own amendments to the Canadian re-draft.

Mr. FERRARI (Brazil) said that the purpose of the joint amendment by Brazil, India and Iran (E/CONF.34/C.12/L.2) was to facilitate prosecution at the trial stage by providing for the international transmittal of legal papers in the most expeditious manner possible. The need for such a provision seemed to be generally accepted, since it would make international co-operation in the suppression of the illicit traffic speedier, and therefore more effective. Article 45 would be an appropriate place for it because the article as a whole was concerned with judicial action and such action, if retarded, would be rendered negatory. The amendment provided for the papers to be transmitted " to the bodies designated by the Parties ", so as to enable countries which preferred to use the diplomatic channel to continue to do so.

The purpose of the joint amendment by Brazil and Iran (E/CONF.34/C.12/L.3/Rev.1) was to include financial operations among the offences listed in paragraph 1 (*a*). In the plenary meeting, the representative of the International Criminal Police Organization had urged the inclusion of such a provision. It was essential that the real culprits, who operated under cover, should be brought to justice. He was glad to hear that the representative of Canada was willing to include such a provision in his own amendment.

Mr. NIKOLIC (Yugoslavia) suggested that the Canadian amendment be taken as a basis for discussion and considered paragraph by paragraph.

It was so agreed.

The CHAIRMAN invited the Committee to consider paragraph 1 of the Canadian amendment (E/CONF.34/C.12/L.1).

Paragraph 1

Mr. BOULONOIS (Netherlands) said that his delegation could accept the paragraph, but for reasons he had already explained, would prefer to see the phrase " particularly by imprisonment or other penalties of deprivation of liberty " deleted.

Mr. NOURELDINE (United Arab Republic) said that his delegation could accept the paragraph as it stood.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that Interpol supported the joint amendment (E/CONF.34/C.2/L.3/Rev.1) to include financial operations in the list of punishable offences. Such tactics were often resorted to by the biggest traffickers, who were the hardest to bring to justice; moreover, judges were inclined to be extremely cautious in cases where no drugs had been seized. A decision to insert such a provision would be a notable advance in the campaign against the illicit traffic.

He appreciated the position of the Netherlands delegation with regard to the reference to penalties of deprivation of liberty, but felt that the mere imposition of fines only encouraged the illicit traffic. In his opinion, it would be better to retain the provision for penalties of deprivation of liberty, which would not prevent judges from exercising their discretion.

Mr. CURRAN (Canada) said that footnote 7 showed that the Committee which had prepared the third draft had preferred the adjective " effective " as the qualification of " penal sanctions " in article 4, though a minority of the members of the Commission had proposed the adjective " severe ". The words " shall be liable to " did not imply that the judge would be deprived of his right under domestic law to decide sentences; they simply required the Parties to make serious offences punishable by the penalties specified. However, he

shared the view of the representative of the International Criminal Police Organization that prison sentences should be emphasized.

Mr. von SCHENCK (Switzerland) proposed that the words " financial operations " in the joint Brazilian and Iranian amendment (E/CONF.34/C.12/L.3/Rev.1) be qualified by the words " intentionally committed " and that the word " conversion " be added to the catalogue of offences listed in paragraph 1 of the Canadian re-draft (E/CONF.34/C.12/L.1).

Mr. CURTIS (Australia) said that the Canadian re-draft was generally acceptable. It was his understanding that all the offences listed did in fact involve an element of intent. He assumed, for instance, that an unintentional or unwitting transfer of drugs would not be punishable under the Convention. The final act of the 1936 Convention had included an express statement that " the provisions of the Convention ... do not apply to offences committed unintentionally ". He would have preferred to have a specific statement to the same effect included in the definitions or elsewhere in the Convention, but if the Committee agreed on that point, he would not press for it.

Mr. SHARP (New Zealand) said that, during the discussion of article 4, his delegation had indicated its preference for the word " effective " rather than the word " severe "; the word " severe " established a very subjective standard, and ideas concerning the " severity " of penalties might change substantially during the long period when the Single Convention would be in force. His delegation had less objection to the use of the term in article 45 where it was related to serious offences, but would still prefer either the word " adequate " or the word " effective ", though it would not press the matter. By New Zealand legal standards, the penalties prescribed in his country for narcotics offences were severe. To meet the point raised by the Netherlands delegation, he suggested that the words " in appropriate circumstances " be added at the end of paragraph 1 of the Canadian re-draft (E/CONF.34/C.12/L.1).

Mr. KOCH (Denmark) said that, like the Australian delegation, he understood article 45 as covering only offences committed intentionally. He too would prefer an express statement to that effect in the Convention, and therefore proposed that the words " when committed intentionally " be inserted after the word " offences " in the final clause of paragraph 1.

The word " severe " was a relative term, which would be differently interpreted from country to country. It had seemed to be the consensus of opinion during the discussion of article 4 in the plenary meeting that the substitution of the word " effective " might avoid disagreements in interpretation. He therefore proposed the substitution of the word " effective " for the word " severe " in paragraph 1 of the Canadian re-draft.

With regard to the Netherlands proposal for the deletion of the phrase " particularly by imprisonment or other penalties of deprivation of liberty ", in Denmark the judge was given the same authority to decide the penalty as in the Netherlands. He nevertheless had no objection to the retention of that phrase because he relied on the interpretation of the words " shall be liable to " given by the Canadian representative.

Mr. RABASA (Mexico) said that article 2 of the 1936 Convention, which had been signed by the Netherlands Government and was in force in many countries, provided that: " Each of the High Contracting Parties agrees to make the necessary legislative provisions for severely punishing, particularly by imprisonment or other penalties of deprivation of liberty, the following acts ", followed by a list similar to that in paragraph 1 of the Canadian re-draft. Paragraph 1 would thus seem to be part of existing law, so that the words " particularly by imprisonment or other penalties of deprivation of liberty " ought not to cause difficulties for any country. Mexico would certainly be willing to approve that provision.

Mr. NIKOLIC (Yugoslavia) said he shared the view of the Swiss and Australian representatives that article 45 should refer to the intentional character of the offences punishable under its provisions. He preferred the word " effective " to the word " adequate ", but that was a matter that might be left to the Drafting Committee. He supported the joint Brazilian and Iranian amendment (E/CONF.34/C.12/L.3/Rev.1). He noted that there was a difference in the wording of the introductory phrases in paragraphs 1 and 2 of the Canadian re-draft. If the difference was merely one of drafting, he preferred the form used in paragraph 2; but if it was one of substance, he hoped the Canadian representative would explain the reason for it.

Mr. BOULONOIS (Netherlands) said that he was in favour of replacing the word " severe " by " effective ". He approved the Danish proposal to insert the words " when committed intentionally " after the word " offences ". Since he shared the view of the representative of the International Criminal Police Organization regarding the necessity of including in paragraph 1 a a reference to financial operations, he also approved the joint amendment by Brazil and Iran (E/CONF.34/C.12/L.3/Rev.1), though it would be better to add the words proposed to paragraph 2 of the Canadian re-draft.

Dr. MABILEAU (France) said he also supported the joint Brazilian and Iranian amendment and saw no objection to the Swiss amendment to qualify it by the addition of the words " intentionally committed ". The word " severe " should be retained because it already appeared in the 1936 Convention, as the Mexican representative had pointed out, and because the interpretation of " effective " punishment was more likely to vary from judge to judge and from country to country than the interpretation of " severe ".

Mr. GREEN (United Kingdom) said he supported the Danish proposal for a clear statement that paragraph 1 applied only to intentional offences. He suggested that the word " effective ", or preferably the word " adequate ", be substituted for " severe "; if theories of criminal law were to change substantially in the future, the word " severe " might be found to be too limited.

With regard to the proposed reference to " financial operations ", it might be more appropriate in sub-paragraph 2 (*a*) (ii); financial operations concerned with the acts mentioned in paragraph 1 were not offences *per se*, but only in so far as they were an element of intentional participation in, conspiracy to commit, or attempts to commit such acts.

Mr. GAE (India) said he did not know whether the discrepancy between the introductory phrases in paragraphs 1 and 2 was intentional or not; in his view, the application of the provisions of paragraph 1 should also be subject to the legal systems and domestic laws of the Parties. Perhaps a general paragraph might be added to the article reading " The provisions of this article shall be subject to the constitutional limitations of the Parties, their legal systems and domestic laws."

The expression " the Parties undertake to adopt " in paragraph 1 appeared to impose a stricter obligation than the words " the Parties shall adopt " in paragraph 2. He proposed that, for the sake of uniformity, the word " shall " be substituted for the words " undertake to " in paragraph 1.

He wondered whether the term " manufacture " was broad enough to cover the conversion of drugs by a physical process into preparations. The term " manufacture " was defined in article 1 as including the transformation of drugs into other drugs by chemical processes, but that definition might not cover a process such as the preparation of morphine capsules. Article 2, paragraph (*a*), of the 1936 Convention specifically included the " conversion " of narcotic drugs among the acts punishable under the Convention, but conversion was omitted from the list in paragraph 1 of the Canadian re-draft. He accordingly suggested that either the definition of " manufacture " in article 1 be expanded, or the words " including the making of preparations ", be inserted after " manufacture " in paragraph 1.

He also suggested that the words " adequate penalties " be substituted for the works " severe punishment "; the same penalty might be regarded as severe by one Party and as moderate by another, depending on the legal system concerned; in contrast, the expression " adequate penalties " left it to the discretion of the Parties to decide what punishment was adequate. The phrase " or other penalties of deprivation of liberty " should be deleted; the meaning of the expression " deprivation of liberty " depended on constitutional provisions which varied from country to country. With regard to the Danish proposal that the words " when committed intentionally " be inserted in paragraph 1, he agreed that the addition of those words would give explicit expression to the idea implicit in the paragraph that *mens rea* was essential to the existence of an offence.

He would defer his comments on the joint Brazilian and Iranian amendment (E/CONF.34/C.12/L.3/Rev.1) until paragraph 2 was under consideration.

Mr. de BAGGIO (United States of America) said that the Canadian re-draft was generally acceptable to his delegation. At the twenty-sixth plenary meeting, his delegation had suggested that the words " intentional participation in " be deleted since they were superfluous, a criminal offence including intent by definition; however, if the Committee wished to insert the word " intentional " he would not object. He would prefer to retain the word " severe " but if a substitute were adopted, it should be some other word than " effective ", which was inappropriate in view of the fact that Parties would continue to experience difficulty in eradicating the illicit traffic.

The meeting rose at 1 p.m.

SECOND MEETING

Monday, 13 March 1961, at 3.10 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 44-46 of the Third Draft E/CN.7/AC.3/9; E/CONF.34/L.19; E/CONF.34/C.12L.1/Rev.1 and L.3/Rev.1 (*continued*)

Article 45 (Penal provisions) *(continued)*

Paragraph 1 (continued)

The CHAIRMAN invited the Committee to continue its consideration of the Canadian re-draft of article 45, of which a revised text had now been submitted (E/CONF.34/C.12/L.1/Rev.1).

Mr. CURRAN (Canada) said that the Yugoslav representative had drawn attention to the different wording of the opening provisos of paragraphs 1 and 2 and had asked whether the difference was intentional, while the Indian representative had proposed that both paragraphs be governed by the same proviso. The difference was in fact intentional and he would explain why. First, the parties should be required to regard as punishable all offences coming under the general heading " traffic ". Such offences, whatever form they might take, should be automatically punishable and that was the object of paragraph 1. Secondly, in order to take into account the fact that certain acts, such as attempts to commit, participation in, or financial operations in connexion with, an offence were not considered as offences under certain legal systems or domestic laws, a different wording had been used in paragraph 2. The Canadian government would itself have no difficulty at all in meting out punishment in the case of any of the acts enumerated in that paragraph, but an international convention had to take account of the various legal systems and try, at the same time, to ensure that all types of offence would be punished in all countries. If too imperative a form of words were adopted, certain States would be unable to accede to the Convention. The wording of paragraph 2 did not weaken the Convention but actually strengthened it. There was nothing to oblige a State to punish any of the offences listed in sub-paragraph 2 (*a*) (ii) if its laws did not provide

for that, but if its laws did so provide, then it would be able to punish them.

Mr. NIKOLIC (Yugoslavia) said that, in his opinion, the introductory proviso of paragraph 2 could be applied to the article as a whole; paragraph 1 provided for imprisonment, and that was certainly a matter of criminal jurisdiction.

Mr. GAE (India) said that he was of the same opinion. His delegation had proposed (E/CONF.34/L.19) that the opening paragraph of the article read " Provisions contained in this article shall be subject to constitutional limitations of the Parties and within the framework of their existing legal systems and criminal jurisdiction."

Mr. BOULONOIS (Netherlands) said he approved the new Canadian wording for paragraph 2, since it took into account the amendment by Brazil and Iran (E/CONF.34/C.12/L.3/Rev.1) for which he had declared his support at the previous meeting.

Dr. MABILEAU (France) said that he too supported the revised Canadian re-draft.

Mr. RABASA (Mexico) said that he understood the point of view of the Canadian delegation. All delegations were agreed that a provision obliging States, subject to their constitutional limitations, to combat the illicit traffic, had to be included in the Convention, and that the provision had to be applied both in Roman law countries and in common law countries. Under the more flexible Roman law, legal sanctions could be taken against a person wherever he might be, whereas under common law, legal sanctions took effect only within the frontiers of the country in question; the wording proposed by the Canadian delegation was therefore most apt.

The Indian amendment was also welcome, for it would avoid repetition without distorting the substance of the provision. The amendment by Brazil and Iran was very important, since financial operations that encouraged or made possible the other offences were more dangerous than some of the offences listed in the article. That was so because the man behind the scenes was more dangerous than the ignorant cultivator, who only saw the practical side of his action. That amendment could, therefore, very well be included in paragraph 1.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that Interpol preferred the word " severe " to the word " adequate ". A fine, for example, had never been regarded as " adequate ". With regard to financial operations, he saw no objection to the qualification " International "; like the representative of Mexico, he thought that that amendment ought to be included in paragraph 1, in view of the seriousness of that aspect of the matter.

Mr. YATES, Executive Secretary, said he thought that either " effective " of " adequate " was preferable to " severe ". The three traditional objects of penal law were to protect society, to punish offenders, and to reform them. The word " severe " carried overtones of retribution, stress on which was progressively giving way to stress on the other elements; the Social Commission had discussed that matter at some length. Actually, an effective form of punishment could go further than a severe punishment.

Mr. GAE (India) said that the purpose of the amendment by Brazil and Iran was to bring about the punishment of the organizers of illicit traffic. As a rule it was only the person who committed the offence who was punished, whereas the person who instigated it was just as guilty. Paragraph 4 of the Indian amendment (E/CONF.34/L.19), however, was worded in sufficiently general terms to cover the provision in the Brazilian and Iranian amendment. The offence of financing the illicit traffic was committed by the person who caused the offence. The Indian amendment covered any act performed by an agent on behalf of a principal.

Mr. CURTIS (Australia) said he doubted the desirability of including in article 45 a clause such as that proposed in the Indian amendment. Causation raised delicate legal problems. If the Indian text were adopted, however, it would perhaps be better, in the English version, to substitute the words " liable to " for " punished with ".

Mr. SHARP (New Zealand) said he shared the misgivings of the Australian representative. Sub-paragraph 2 (*a*) (ii) of the Canadian re-draft seemed to him sufficient.

Mr. de BAGGIO (United States of America) said that participation and conspiracy were serious offences; he therefore proposed that they be transferred from paragraph 2 to paragraph 1 as a sub-paragraph (*b*) worded " conspiracy to commit and attempts to commit any of these acts as defined by domestic law ".

Mr. BOULONOIS (Netherlands) said that he could not support the United States proposal unless the words " as defined by domestic law " could be interpreted as applying to the commencement of the commission of an offence; otherwise he would have to make a reservation.

Mr. BRUNNER (Federal Republic of Germany) said that he too would have to make a reservation to the United States proposal for a similar reason to that given by the Netherlands representative. Under German law, conspiracy alone was not a punishable offence unless it involved a major crime, and most narcotic offences did not come under that heading.

Mr. CURRAN (Canada) said that his delegation would have no difficulty in effecting the transfer proposed by the United States representative. Conspiracy was an agreement between parties to commit a punishable offence. It was, however, essential to prove agreement, and that was sometimes difficult. Canadian law punished principals as well as accomplices, but that was not the case in a number of other countries. The Convention should take account of the difficulties its provisions might create, and that was one reason why his delegation had made the distinction between para-

graphs 1 and 2, but if the majority of States represented at the Conference could give an assurance that the United States amendment was compatible with their legal systems, the Canadian delegation would support it unreservedly.

With regard to the preamble proposed by the Indian representative, it would only weaken the article. Parties should be prepared to adopt severe measures against the illicit traffic so far as they were able to do so. It was true that the clause in paragraph 4 of the Indian amendment (E/CONF.34/L.19) was general enough to cover financial operations, but that expression had been employed for a purpose and should appear in the Convention. It must indeed be very clear that the really important persons who kept behind the scene, the underwriters of the traffic who never became directly involved in actual operations, were the real villains of the piece and should be prosecuted, but there again it was very difficult to establish proof. The wiser course was to keep to general statements of principle on which there was universal agreement and to rely on the good faith of States to take whatever steps were necessary.

Mr. NIKOLIC (Yugoslavia) said that his impression at the beginning of the debate on article 45 had been that clear general principles would be adopted in which the willingness of States to combat the illicit traffic would be emphasized without entering into detail. It seemed, however, that an attempt was now being made to draw up an international penal code, and that explained why considerable difficulties with regard to the substance of the provisions were being encountered. The penalties called for under paragraph 1 did not in fact depend on constitutional provisions but on criminal jurisdiction. Moreover, it was by no means certain that all systems of penal law dealt with questions relating to narcotics, as was implied by the preamble to paragraph 2. There was also the risk that each State would give a different interpretation to the term " serious offences ". It was much better not to go into details. It need only be stated that Parties undertook to adopt effective, severe or adequate measures.

Mr. GAE (India) said that, because he realized that the provisions of paragraph 1 should be as strict as possible, he would not press his amendment under which the introductory wording of paragraph 2 would be applied to the whole article. With regard to paragraph 4 of his amendment (E/CONF.34/L.19), it might be made more explicit by inserting between the words " whoever " and " causes an offence " the words: ", by adopting financial operations concerned with the offences mentioned in paragraph 1 and paragraph 2 (*a*) (ii) or otherwise,".

Mr. KOCH (Denmark) said that article 45 arose out of the obligation on the Parties to ensure narcotics control. Penal provisions were necessitated by the need to punish offenders; the listing of offences was of secondary importance. The obligation on the Parties to punish breaches of the Convention was the paramount consideration and should be subordinated to domestic law. If the domestic law was at fault, it should be amended.

He could not support the United States proposal to transfer the words " conspiracy to commit and attempts to commit " to paragraph 1, since that phrase belonged to paragraph 2 which set out the conditions in which a person would be considered to have acted in breach of the Convention. In that respect, it was well known that there were differences in the matter of law not only between the Roman law countries and the common law countries, but also between those two groups of countries and the Scandinavian countries, where still another system of law applied. He could not support provisions of that nature which, unlike the provisions in paragraph 2, would conflict both with a country's domestic law and with its legal system.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that the provisions of article 45 should not be such as to prevent States from acceding to the Convention. The delegations which had so far submitted amendments had had the laws of their own countries in mind. His delegation could accept the revised re-draft proposed by the Canadian delegation, but if one looked at which countries had submitted amendments, it would be seen that they were countries where the penal law was the most developed. That accounted for the amendments to the list of possible offences, including that by Brazil and Iran relating to financial operations. Since the list was obviously incomplete, it would have to be followed, if retained, by some such phrase as " or any other act which, in the opinion of the Parties, may be contrary to the provisions of this Convention ".

With regard to the choice between " severe " or " adequate " for paragraph 1 (*c*), the latter word seemed to him preferable. In his country another aim of punishment was rehabilitation; it was designed to enable the offender, when he had paid his penalty, to become a useful member of society once again. The important thing was the efficacy or the adequacy of the punishment from that point of view; recidivism must be avoided. The idea of severity was only relative; for the offences listed in paragraph 1, Soviet law imposed on first offenders a sentence of one year's imprisonment, one year's penal servitude or a fine of 100 roubles; in other countries those penalties would doubtless be considered far from severe.

Paragraph 4 of the Indian amendment (E/CONF.34/L.19) was concerned not so much with the offences themselves as with one of the forms that offences could take under paragraph 1. In the USSR, complicity could take four forms: the actual execution of the offence, organization, instigation or assistance. The concept varied, however, according to the particular country, and it would be very difficult to enter into such details.

Mr. NIKOLIC (Yugoslavia) said he agreed with the Danish representative that the campaign against the illicit traffic should not be subordinated to domestic law; that, if necessary, should be amended. What he had meant to say was that punitive measures depended on the legal system of the country, particularly its penal code, rather than on its constitutional provisions. The legal system and domestic law should therefore be mentioned in paragraph 1 as well as in paragraph 2.

Mr. CURRAN (Canada) said he agreed with the USSR representative that an enumeration was always dangerous because it was always incomplete, but paragraph 1 of the Canadian re-draft merely reproduced the list given in paragraph 1 (*a*) of the third draft. Actually, all the offences listed came under the five main headings of cultivation, manufacture, possession, sale, and distribution of drugs, and the principle could be stated in very few words. If the list were retained, the addition of a phrase such as the USSR representative had suggested would be necessary. Another solution might be to request the Drafting Committee to find a wording which would cover all the offences listed in paragraph 1, but in more general and concise form.

Dr. MABILEAU (France) pointed out that the list in paragraph 1 had been in existence for thirty years and had never caused any difficulty to the countries which had signed the 1936 Convention. The additional phrase proposed by the USSR might be useful, at any rate to the extent that the statement of the general principle did not make it clear that every country could by its own penal law assist the campaign against the illicit traffic.

Paragraph 1 of the revised Canadian draft contained both the word " severe " and the word " adequate ", and should therefore satisfy the supporters of both.

With regard to paragraph 4 of the Indian amendment (E/CONF.34/L.19), if a satisfactory term could be found for incitement to commit an offence it would be an improvement. It was a particularly serious offence where drug addiction and the illicit traffic were concerned, since the two were so closely linked. If the representative of the International Criminal Police Organization would give the Committee a technical opinion on that point his delegation would be glad to support it.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that drug addicts were always on the lookout for companions and possible converts; but, when it came to the organization of a drug smuggling network, that was a matter of actual complicity. Addition of the word " incitement " might therefore be helpful as it would cover both cases.

Paragraph 4 of the Indian amendment (E/CONF.34/L.19) did not necessarily cover financial operations; for instance, the person who caused the offence to be committed might be a different person from the one financing it, though the offence would not have been committed without the latter's financial assistance. The importance of the amendment by Brazil and Iran therefore remained entirely unaffected by the Indian amendment.

Mr. von SCHENCK (Switzerland) said he agreed with the Canadian representative regarding the list of offences.

The CHAIRMAN suggested that, in view of the number of oral amendments proposed, it might be better to take an immediate vote on all amendments to paragraph 1, and then to examine the rest of the article paragraph by paragraph. The Secretariat could then circulate a new text incorporating all the amendments adopted, which delegations could consider before the vote was taken on the article as a whole.

Mr. NIKOLIC (Yugoslavia) said that he would prefer that the whole of the article be considered first and a vote taken later.

Mr. BOULONOIS (Netherlands) said he favoured the method suggested by the Chairman.

Mr. GAE (India) said that all the paragraphs were linked together so that it would be better if the Committee formed a general idea of the article before proceeding to vote.

Mr. RABASA (Mexico) said that while he understood the view of the Yugoslav and Indian representatives, since both the article and the amendments were particularly complex, it would be better if the Committee were to vote on each paragraph while the discussion on it was still fresh in their minds.

Mr. SHARP (New Zealand) said he agreed that, in view of the complexity of the subject, the Chairman's suggestion was the best.

Dr. MABILEAU (France) said he was of the same opinion.

The CHAIRMAN formally proposed that the Committee vote on paragraph 1.

It was so decided.

The CHAIRMAN put to the vote the Netherlands amendment for the deletion of the words " particularly by imprisonment or other penalties of deprivation of liberty ".

The Netherlands amendment was rejected by 14 votes to 1, with 5 abstentions.

The CHAIRMAN put to the vote the United Kingdom amendment for the replacement of the word " severe " by the word " adequate ".

Dr. MABILEAU (France) pointed out that both words were included in the revised Canadian text; a third solution was therefore possible.

Mr. CURRAN (Canada) said that it was merely an oversight that both words had been included; his delegation's intention had been that only one should be retained.

The United Kingdom amendment was adopted by 9 votes to 8, with 3 abstentions.

The CHAIRMAN put to the vote the Danish amendment for the insertion, after the words " punishable offences ", of the words " when committed intentionally ".

The Danish amendment was adopted by 12 votes to 3, with 4 abstentions.

The CHAIRMAN called for a vote on the Swiss amendment for the addition of " conversion " to the list of punishable offences.

Mr. von SCHENCK (Switzerland) pointed out that, if the Canadian suggestion for the replacement of the list by a more general formula were adopted, his own amendment would no longer be relevant; the Committee should therefore first take a decision on that point.

Mr. NIKOLIC (Yugoslavia) suggested that it would be better if a decision were first taken on the USSR amendment for the insertion, after the word " Convention ", of the phrase " or any other act which, in the opinion of the Parties, may be ". If that amendment were adopted, it would make any other addition to the list superfluous.

Mr. RABASA (Mexico) said that the question whether to delete the list of punishable offences could not be decided in a hurry. Unlike civil law, criminal law was interpreted strictly and its rules could not be applied by analogy. No act could be considered a crime and punished as such unless the law, in defining it, expressly provided therefor. Replacement of the list by a general formula was therefore not just a question of drafting, but raised a problem of criminal law. The point should be decided by the Committee and the Plenary Conference and not by the Drafting Committee, and for that purpose the Mexican delegation would need to study the question more thoroughly. If, on the other hand, it was merely a question of adding to the list a formula of the kind suggested by the USSR representative, he had no objection to a vote being taken forthwith.

Mr. CURRAN (Canada) said that he had merely put forward a suggestion. He wondered, in fact, whether the list of offenders added much to the provisions of article 30, which already limited the lawful use of drugs to medical and scientific purposes. However, if deletion of the list was going to cause difficulties, he had no objection simply to adding a formula indicating that the list was not complete; it could then perhaps be left to the Drafting Committee to decide whether paragraph 1 contained any superfluous words which could be deleted.

The CHAIRMAN put to the vote the USSR amendment for the insertion, after the word " drugs ", of the phrase " or any other act which, in the opinion of the Parties, may be ".

The USSR amendment was adopted by 14 votes to 2, with 5 abstentions.

The CHAIRMAN put to the vote the Indian amendment for the replacement of the words " undertake to adopt " by the words " shall adopt ".

The Indian amendment was adopted by 6 votes to 3, with 9 abstentions.

The CHAIRMAN put to the vote the Indian amendment for the insertion, after the word " manufacture ", of the words " including the manufacture of preparations ".

The Indian amendment was rejected by 3 votes to 2, with 19 abstentions.

Mr. FERRARI (Brazil) said that he would not insist on an immediate decision on the joint amendment by Brazil and Iran (E/CONF.34/C.12/L.3/Rev.1), but it should be put to the vote at the same time as paragraph 4 of the Indian amendment (E/CONF.34/L.19). As for the place where it should be included, his delegation had at first considered its insertion at the end of the first paragraph of the Canadian re-draft, but in view of the objections that had been raised, he would agree to its inclusion in sub-paragraph 2 (*a*) (ii), if that were the wish of the majority and if it were considered that financing merely constituted complicity.

Mr. AZARAKHSH (Iran) said he endorsed the Brazilian representative's views.

Mr. CURRAN (Canada) said that, as the representative of Brazil had not stated categorically where he wished his amendment to be included, the Committee should decide the question only when it came to deal with paragraph 2. That, moreover, would be the logical procedure since in the Canadian re-draft, which was being used as the basic document, financial operations were mentioned in paragraph 2.

Mr. RABASA (Mexico) said that the question was one of substance. He had been much impressed by the view of the representative of Interpol that financial operations were a very serious aspect of the matter. There was an important difference between paragraph 1, which dealt with the facts constituting an offence, and paragraph 2, which dealt only with subsidiary acts; consequently, to mention financial operations in the second paragraph would seem to indicate that they constituted only a minor offence, less serious than those listed in paragraph 1. The Committee should reach a decision not only on the principle but also on the exact place of the amendment.

Mr. CURRAN (Canada) said that the fact of not mentioning financial operations in paragraph 2 in no way detracted from their importance, since it was there stated that such acts should be punishable offences as provided in paragraph 1.

Mr. GREEN (United Kingdom), supported by Mr. de BAGGIO (United States of America), also urged that a vote should be taken on the place of the amendment.

The CHAIRMAN put to the vote the joint amendment by Brazil and Iran (E/CONF.34/C.12/L.3/Rev.1).

The joint amendment by Brazil and Iran was adopted by 18 votes to 2, with 3 abstentions.

The CHAIRMAN put to the vote the question whether the joint amendment should be inserted in paragraph 1 or in paragraph 2.

It was decided by 12 votes to 11, with three abstentions, that the amendment should be placed in paragraph 2.

Mr. GAE (India) asked that his delegation's amendment should be put to the vote, since it was more comprehensive than the joint amendment by Brazil and Iran.

The CHAIRMAN put to the vote paragraph 4 of the Indian amendment (E/CONF.34/L.19), as since

amended by the Indian representative to read: " Whoever, by engaging in financial operations concerned with the offences mentioned in paragraph 1 and sub-paragraph 2 (*a*) (ii) or otherwise, causes an offence punishable under this article to be committed shall be punished with punishment provided for the offence."

The Indian amendment was rejected by 16 votes to 1, with 11 abstentions.

The CHAIRMAN put to the vote the United States amendment for the transfer from sub-paragraph 2 (*a*) (ii) to paragraph 1 of the words " conspiracy to commit, and attempts to commit ".

The United States amendment was rejected by 12 votes to 6, with 10 abstentions.

The CHAIRMAN put to the vote the Swiss amendment for the addition to the list in paragraph 1 of the word " conversion ".

The Swiss amendment was rejected by 4 votes to 2, with 20 abstentions.

Paragraph 1 of the revised Canadian re-draft (E/CONF.34/C.12/L.1/Rev.1), as thus amended, was approved.

Paragraph 2

Mr. NIKOLIC (Yugoslavia) asked whether, under sub-paragraph 2 (*a*) (i), a person who had illegally obtained a narcotic drug in one country, and had then fled to another country where he was prosecuted and served a sentence, could be prosecuted and sentenced again on his return to the former country.

Mr. LANDE, Deputy Executive Secretary, replied that the words " distinct offence " in sub-paragraph 2 (*a*) (i) were not intended to violate the principle of preventing double jeopardy — *non bis in idem* — or to interfere with the principles of the various countries concerning ideal or real cumulation. Those words were taken from article 4 of the 1936 Convention and were intended to give the court the necessary jurisdiction in cases where it might not otherwise possess it, and to ensure that certain accessory acts would be punishable where, for purely technical reasons, the principal act might not be. The provision concerning the distinct offence, like the rest of paragraph 2, was subject to the legal system and domestic law of each Party, thus guaranteeing that no Party would be required to violate the *non bis in idem* rule.

Mr. ASLAM (Pakistan) said he did not think the words " shall be deemed to be included as extradition crimes " in paragraph (*b*) should be retained, because they appeared to lay on Governments an obligation to insert such a provision in extradition treaties already concluded. In his view, countries should be left free to introduce such provisions as they saw fit.

Mr. BOULONOIS (Netherlands) said that Netherlands law distinguished between criminal and non-criminal offences, of which only the former were extraditable. He therefore proposed that the word " serious " be inserted before the word " offences " in the first line of paragraph (*b*).

Mr. NIKOLIC (Yugoslavia) said he agreed with the Pakistan representative that Governments could not be asked to insert further extraditable offences in treaties already concluded, since the consent of at least two countries would be required. Furthermore, paragraph (*b*) contained a contradiction: it stated first that extradition should be granted in conformity with the law of the Party to which application was made, and then that the Party in question should have the right to refuse extradition in cases where the competent authorities considered that the offence was not sufficiently serious.

Mr. WATTLES, Legal Adviser, said that bilateral extradition treaties could be amended by a new agreement between the Parties. The Convention on Narcotic Drugs, if accepted by the Parties concerned, could itself constitute an agreement to amend extradition treaties, and it would then be unnecessary to conclude a special agreement for that purpose.

Mr. NIKOLIC (Yugoslavia) said he agreed that a treaty could always be amended, but the words " shall be deemed " seemed to him unrealistic.

Dr. MABILEAU (France) said that so far as the French text was concerned, it seemed to him that it was merely a matter of drafting.

Mr. CURRAN (Canada) pointed out that the paragraph reproduced almost word for word article 9 of the 1936 Convention, which possessed some authority as a precedent. Doubts might well be entertained with regard to its practical application, but the reference to the constitutional limitations, legal system and domestic law of a Party was a sufficient safeguard and it had therefore been felt that there was no reason why those provisions should not be retained.

Mr. WATTLES, Legal Adviser, said he thought that the problem could be solved by using the language of the 1936 Convention for the French text as well as for the English.

Mr. BEVANS (United States of America) said it should be remembered that the provisions of paragraph (*b*) were subject to the constitutional limitations of a Party, its legal system and domestic law. The United States considered such provisions very useful, since they afforded a practical means of revising and amplifying extradition treaties. The last clause, however, seemed redundant; it would be sufficient to say that extradition would be granted in conformity with the law of the Party concerned.

Mr. NOURELDINE (United Arab Republic) said that under his country's laws, the authorities of the territory in which the offence had been committed had the first right to prosecute an offender. A statement to that effect should be added to sub-paragraph 2 (*a*) (iv).

The meeting rose at 6.30 p.m.

THIRD MEETING

Tuesday, 14 March 1961, at 11.25 a.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 44-46 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/L.5/Rev.1, L.13, L.19; E/CONF.34/C.12/L.1/Rev.1, L.2, L.3/Rev.1, L.4/Rev.1) (*continued*)

Article 45 (Penal provisions) (*continued*)

Paragraph 2 (continued)

The CHAIRMAN invited the Committee to continue its consideration of paragraph 2 of the revised Canadian re-draft of article 45 (E/CONF.34/C.12/L.1/Rev.1).

Mr. WIECZOREK (Poland) said he had some doubts over the wording of sub-paragraph (*b*). As the Pakistan representative had pointed out at the previous meeting, the words " shall be deemed to be included as extradition crimes " might be interpreted to mean that the Parties would have to revise existing extradition treaties. In order to preclude that interpretation and to bring the text into line with the international obligations of the Parties, he proposed that the words " international obligations and " be inserted before the words " constitutional limitations " in the first line of the paragraph.

Mr. WATTLES, Legal Adviser, explained that sub-paragraph (*b*) did not contemplate any action by States Parties to the Convention in respect of their existing extradition treaties; the texts of those treaties would be amended automatically without the need for such action. The Polish amendment was apparently intended to prevent the automatic amendment of existing extradition treaties by virtue of the terms of the Single Convention. He doubted, however, whether the addition of the words " international obligations " would have the effect intended, since there was no international obligation not to extradite by virtue of existing extradition treaties.

Mr. NIKOLIC (Yugoslavia) said he agreed with the Legal Adviser that the Polish proposal would not accomplish its intended object. It might be better to insert, after the words " domestic law " at the end of the opening proviso of paragraph 2, the words " it is desirable that ".

Mr. CURRAN (Canada) said he thought the wording suggested by the Yugoslav representative would avoid the difficulties to which the Legal Adviser had drawn attention. He therefore proposed that the Canadian re-draft be amended by the insertion, at the beginning of sub-paragraph (*b*), of the words " It is desirable that " and the deletion in the second line of the sub-paragraph of the words " shall be deemed to ". In that form, sub-paragraph (*b*) would stress the desirability of Parties including narcotics offences as extradition crimes either in existing treaties, if constitutionally possible, or in future extradition treaties.

Mr. WIECZOREK (Poland) said that the amendment proposed by the Canadian delegation would meet the aim of the Polish amendment and thus satisfy his delegation.

With regard to the statement by the Legal Adviser, he said that the intention of the Polish delegation in submitting its amendment had not been to prevent the automatic inclusion of narcotics offences as extradition crimes, but to secure a clear statement that the provisions of paragraph 2 (*b*) would not infringe existing international treaties.

The CHAIRMAN called for a vote on the oral amendment proposed by the United Arab Republic representative at the previous meeting.

Mr. ESTABLIE (France) said he would prefer not to have to vote on the amendment until the text had been circulated.

The CHAIRMAN said that the text of the United Arab Republic amendment would be circulated in time for the next meeting.

He invited the Committee to consider the Canadian amendment for the insertion of the words " It is desirable that ", at the beginning of sub-paragraph (*b*) of the re-draft (E/CONF.34/C.12/L.1/Rev.1) and the deletion of the words " shall be deemed to ", in the second line of that sub-paragraph.

Mr. RABASA (Mexico) said that the change of wording made nonsense of the text. If the Convention was not automatically to effect extradition treaties already concluded by the Parties, it could have no effect at all on them, whether desirable or not.

Mr. GREEN (United Kingdom) said he wondered whether the amendment was really necessary. The purpose of sub-paragraph (*b*) was to provide that, if two countries which had already concluded an extradition treaty with each other agreed under the Convention that narcotics offences should be considered extradition crimes, they would deem the extradition treaty to be automatically amended to include narcotics offences. If countries had constitutional or other difficulties in accepting such an arrangement, they were protected by the proviso at the beginning of the paragraph, which provided a loophole for countries whose domestic law did not permit extradition treaties to be amended in that way. The new wording was therefore unnecessary. More than that, it was undesirable, because it would prevent the automatic operation of the arrangements laid down in the present text and parties to an extradition treaty that also signed the Convention would need a separate instrument to amend the treaty. The present text should therefore be retained without change for the benefit of those countries that could make use of it.

Mr. ELLENBOGEN (United States of America) and Dr. MABILEAU (France) associated themselves with the comments of the United Kingdom representative.

Mr. CURRAN (Canada) said he had thought that the proviso at the beginning of paragraph 2 made it perfectly clear that no country was obliged to accept

the obligations laid down in either sub-paragraph (*a*) or sub-paragraph (*b*) if they were not in harmony with its constitutional limitations, its legal system or its domestic law. However, it had been stated that sub-paragraph (*b*) would impose the automatic amendment of extradition treaties; that was why he had proposed a slight change of wording at the beginning. If it was perfectly clear to everyone that the proviso applied to all parts of paragraph 2, the original wording could remain unchanged, but that point must be absolutely clear. His Government would be unable to accept a text which provided for the automatic amendment of existing treaties. If sub-paragraph (*b*) as it stood could be so interpreted, he would press for the change of wording.

Mr. WATTLES, Legal Adviser, said there was no doubt that the proviso in paragraph 2 applied to both sub-paragraph (*a*) and sub-paragraph (*b*). Thus, if a country was precluded by constitutional limitations from regarding existing treaties as automatically amended as a result of its accession to the Convention, it would not be violating the Convention. If there was no constitutional or legal impediment, a country becoming Party to the Convention would consider its extradition treaties as automatically amended.

Mr. BANERJI (India) suggested that the difficulty might be met by inserting the words " It is desirable that " at the beginning of paragraph 2, as originally suggested by the Yugoslav representative. That would make it quite clear that all the measures envisaged in that paragraph were recommendatory.

The CHAIRMAN asked whether the Canadian representative wished to press his amendment.

Mr. CURRAN (Canada) said that he did not wish to press it, since it was now clear that the revised text as it stood did not impose any obligations that his country could not accept.

He wondered, however, whether the Indian suggestion would not weaken sub-paragraph (*a*). Although his delegation was unable to accept some of the provisions of paragraph 2, particularly those laid down in sub-paragraphs (*a*) (ii) and (iii), it had tried to respond to what it felt to be the wish of the Conference, namely, that the paragraph should contain clearly worded and strict obligations. Anything which would weaken the present text would not, therefore, meet the wishes of other delegations.

Mr. GREEN (United Kingdom) said he opposed the Indian suggestion; it would weaken sub-paragraph (*a*) and have exactly the same effect on sub-paragraph (*b*) as if the beginning of that paragraph had been amended. The present text had an operative effect which would be destroyed by the insertion of any such phrase as " it is desirable that ", either at the beginning of paragraph 2 or in sub-paragraph (*b*).

Mr. RABASA (Mexico) said he agreed with the United Kingdom representative. As it was clear that the proviso at the beginning of paragraph 2 applied to the whole paragraph, all the legal and constitutional difficulties about which fears had been expressed were removed. It would be unwise to weaken any of the provisions of the Convention, which was meant to be a binding legal instrument, not just an expression of pious hopes. If the Conference wished to record its hopes and wishes in some form, it could adopt a resolution in its Final Act, but the Convention should contain only obligations and the necessary safeguards. He was therefore opposed to the insertion of the words suggested by the Indian representative.

Mr. BANERJI (India) said that, as it stood, paragraph 2 of the Canadian re-draft was not much more than an expression of pious hopes, since it contained no obligations which the Parties could not refuse to accept if they so wished, because of the proviso at the beginning. The insertion of the words " It is desirable that " would have made the point clearer, but he would not press his suggestion.

Mr. WATTLES, Legal Adviser, said that paragraph 2 as it stood was very much more than an expression of pious hopes. It placed on countries the obligation to take various measures unless they were prevented from so doing by constitutional or legal difficulties. It was, of course, for the Parties themselves to interpret their own constitutions, legal systems and domestic laws, but it might not be enough for them just to state that their constitutions or domestic law prevented them from giving effect to that paragraph. The organ supervising the execution of the Convention would be entitled to inquire what provisions of their constitution or domestic law prevented them from complying.

Mr. WIECZOREK (Poland) said that, after listening to the discussion, he was more than ever convinced of the necessity for the insertion of some such wording as that suggested by Yugoslavia and India to make it quite clear that Parties to the Convention would not be accepting, as a consequence of their signing the Convention, the automatic amendment of extradition treaties that they had already concluded. Consideration by the Parties of the desirability of such amendment and any subsequent action for that purpose were another matter. Parties would, of course, consider how the Convention affected their other obligations, and sub-paragraph (*b*) would enable them to do so, provided it contained the words " It is desirable that ". Now that a similar reference was not to be included at the beginning of the paragraph, as suggested by India and Yugoslavia, he wished to reintroduce the Canadian representative's amendment for the insertion of those words in sub-paragraph (*b*).

Mr. ASLAM (Pakistan) said he supported the Polish representative. In the light of the statement by the Legal Adviser that, if there were no constitutional or legal impediment, a country becoming a Party to the Convention would consider its extradition treaties as automatically amended, he felt that the question of national policy was being completely overlooked. A country's constitutional limitations, legal system and domestic law might allow it to accept the automatic amendment of extradition treaties, but it still might not wish to do so

for reasons of national policy. It was therefore necessary to insert the wording " It is desirable that " at the beginning of sub-paragraph (*b*).

Mr. WATTLES, Legal Adviser, said that there seemed to be two schools of thought concerning the provisions. One was in favour of automatic amendment of extradition treaties on the ground that it would save time to have an automatic provision to that effect; the other did not wish the provision to have that automatic effect. He thought it was possible to meet both sets of views, so that those countries that wished to have the automatic provision need not be denied it, while, for the benefit of those that objected to it, provisions permitting an option in the matter could be inserted somewhere in the Convention.

Mr. von SCHENCK (Switzerland) suggested that there were three schools of thought. First, there were the countries which wished the extradition clause to have an automatic effect and whose position was covered by the present text. Secondly, there were those which could not accept the provision owing to legal difficulties, and whose position was covered by the opening clause of paragraph 2. Thirdly, there was a group of countries which could accept the provision but were unwilling to do so and whose position could be covered by a proviso in sub-paragraph (*b*). It would be useful to know how many countries belonged to the third group.

Mr. SHARP (New Zealand) said it seemed clear from paragraph 2 of the Canadian re-draft that New Zealand could not implement some of the provisions in sub-paragraph (*a*) on account of its legal system. He was not entirely certain of the implications of sub-paragraph (*b*) and wondered whether a Party would be obliged to change its domestic laws to provide for the extradition requirements.

Mr. WATTLES, Legal Adviser, said that, as the paragraph stood, there would be no obligation on countries to alter their constitutional or legal provisions if they were unable to give effect to the requirements. The Parties were thus left in control of their domestic laws and constitutional system.

Mr. CURRAN (Canada) said it seemed to him, in the light of the discussion and having regard to the doubts expressed by the Pakistan representative concerning the effect on national policy, that it was desirable to add a qualification to sub-paragraph (*b*). Initially, he had hoped that an acceptable text could be found that would obviate the need for inserting such reservations, because the matters dealt with in the provision were so important, but in order to avoid any restrictions on national policy and leave Parties free to determine how they could best implement the extradition provisions, it would be as well to add the proposed qualification to sub-paragraph (*b*).

Mr. BANERJI (India) said that, after hearing the Legal Adviser's explanation of the implications of the paragraph, he would not press for a vote on his amendment, which had merely been a suggestion.

The CHAIRMAN put to the vote the Canadian amendment for the insertion at the beginning of sub-paragraph (*b*) of the words " It is desirable that ", and the deletion from the second line of the words " shall be deemed to ".

The Canadian amendment was adopted by 12 votes to 9, with 4 abstentions.

The CHAIRMAN put to the vote the Netherlands amendment for the insertion of the word " serious " before the word " offences " in the first line of sub-paragraph (*b*).

The Netherlands amendment was adopted by 7 votes to none with 18 abstentions.

Further consideration of paragraph 2 was deferred pending circulation of the United Arab Republic amendment.

The CHAIRMAN invited the Committee to consider the joint amendment by Brazil, India and Iran (E/CONF.34/C.12/L.2) for the addition to the article of the sentence: " Where, under the rules of criminal procedure, prosecution requires the international transmittal of legal papers, such transmittal shall be effected in the most expeditious manner to the bodies designated by the Parties."

Mr. CURRAN (Canada) suggested that the joint amendment might be more properly placed in article 44, since it bore some relation to the Swiss amendment concerning international judicial assistance.

Mr. von SCHENCK (Switzerland) said that, since the joint amendment dealt with the transmittal of legal papers, which was a form of international assistance in judicial matters, he saw no reason why it should not be discussed, together with the Swiss amendment, in connexion with article 44.

The CHAIRMAN suggested that the question be discussed at the joint meeting of the *ad hoc* Committee on articles 30 and 40-43 and the *ad hoc* Committee on articles 44-46.

It was so agreed.

Paragraph 3

The CHAIRMAN invited the Committee to consider the Chilean amendment (E/CONF.34/L.13) to paragraph 4 of the third draft text, now superseded by paragraph 3 of the Canadian re-draft.

Mr. RIOSECO (Chile) said that his delegation sincerely appreciated the efforts of the Canadian representative to improve his original re-draft of paragraph 3 by taking account of the Chilean amendment. Since, however, certain delegations which were not represented on the Committee had signified their approval of the Chilean text because it was clearer and more precise, he felt obliged to submit it for consideration. The Chilean amendment would make it quite clear that the provisions of the criminal law of the Parties would prevail on points of jurisdiction. The Canadian draft seemed insufficiently clear in that respect, and the use of the word " prejudicial " raised certain doubts.

In reply to the question asked by the Netherlands representative at an earlier meeting, he explained that the Chilean amendment was largely a matter of drafting; it merely sought to make quite clear that the provisions of the criminal law of individual countries would take precedence on points of jurisdiction.

The CHAIRMAN put the Chilean amendment to the vote.

The Chilean amendment was adopted by 4 votes to 3 with 20 abstentions.

Mr. CURRAN (Canada), speaking as Chairman of the Drafting Committee, said that since the English translation of the Chilean amendment appeared to be almost identical with the English text of the Canadian re-draft, it should be made quite clear to the Drafting Committee where the differences lay. He pointed out that the word " prejudicial " appeared in the English translation of the Chilean amendment as well as in the Canadian re-draft.

Mr. RABASA (Mexico) said he thought the difficulty was merely one of translation. He had voted in favour of the Chilean amendment because, in the Spanish text, the purpose of the provision was made quite clear.

Paragraph 4

The CHAIRMAN invited the Committee to consider paragraph 7 of the Indian amendment (E/CONF.34/L.19) for the deletion of paragraph 4 of the third draft text, now represented by the Chiean amendment which had just been adopted, and of paragraph 5 of the third draft text, now represented by paragraph 4 of the Canadian re-draft.

Mr. GAE (India) said that, in the light of the discussion, his delegation would not press its amendment.

The CHAIRMAN put to the vote paragraph 4 of the Canadian re-draft.

Paragraph 4 was approved by 25 votes to none with 2 abstentions.

The meeting rose at 1.10 p.m.

FOURTH MEETING

Tuesday, 14 March 1961, at 2.55 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 44-46 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.12/L.1/Rev.1, L.6) *(continued)*

The CHAIRMAN invited the Committee to consider article 46.

Article 46 (Seizure and confiscation)

Mr. YATES, Executive Secretary, pointed out that there were two provisions in the third draft concerning the disposal of confiscated or seized drugs: article 46, paragraph 2, which was taken from article 18 of the 1961 Convention and dealt with drugs in general, and article 34, which was taken from the 1953 Opium Protocol, the provisions of which had been extended to poppy straw.

The *ad hoc* Committee on articles 31-34 had proposed that article 34, on the disposal of confiscated opium and poppy straw, be deleted, and that the Drafting Committee be given a free hand to make any consequential changes in article 46. It had proposed the deletion of article 34 because it did not want a special regime for confiscated opium; it had regarded the general, more lenient regime provided in article 46, which applied to drugs in general, as adequate. If the Committee felt that it was not necessary to provide a stricter regime for confiscated opium than for confiscated morphine, there would be no need to amend article 46 in consequence of the deletion of article 34. In that event, the regime provided in article 46 would apply to opium in the same way as it applied to other drugs.

Mr. CURTIS (Australia) said he was afraid that the wording " intended for the commission of any of the offences " might exclude drugs, substances and equipment actually used in the commission of offences. It might be as well to make sure that both cases were covered.

The CHAIRMAN suggested that that point be left to the Drafting Committee.

It was so agreed.

Mr. GREEN (United Kingdom) said that his delegation had submitted an amendment to article 32 relating to seized opium (E/CONF.34/C.5/L.5). The Committee's decision on article 46 should do nothing to prejudice whatever decision might in due course be taken on that amendment.

Dr. MABILEAU (France) said that the French wording " *pourront être saisis et confisqués* ", in paragraph 1, was weaker than the English " shall be liable to . . ." and should be amended.

Mr. RABASA (Mexico) said that the same criticism applied to the Spanish text. He reserved the right to submit proposals to the Drafting Committee concerning the Spanish translation of the words " confiscation " and " seizure ".

The CHAIRMAN suggested that the Drafting Committee be asked to bring the French and Spanish texts into line with the English.

It was so agreed.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that the French text of paragraph 1 certainly did not reflect the legal situation resulting from the seizure of drugs and there was even some question whether the phrase " liable to seizure " would be adequate. In practice, as soon as drugs, substances or equipment were discovered, the authorities were obliged to seize

them because they were presumably intended to be used for illicit purposes. Seizure in no way prejudged their final disposal; that depended on a judicial decision, either to destroy them or to sell them, or to return them to licit trade. He would personally prefer the word "*devront*" to "*pourront*" in the French text.

Mr. NIKOLIC (Yugoslavia) formally proposed that the word "*pourront*" be replaced by the word "*devront*" in the French text of paragraph 1.

Mr. BANERJI (India) said that it might be better to invert the order of paragraphs 2 (*a*) and 2 (*b*) and mention use before destruction.

Mr. DANNER (Federal Republic of Germany) said that the Ministry of Justice of the Federal Republic had commented that paragraph 1 appeared to be automatically binding, whereas its purpose was to oblige States to take the necessary measures to enable seizures to be made.

Mr. KOCH (Denmark) said that, in his opinion, the effect of paragraph 1 was to oblige the Parties to take steps to enable the authorities to seize and confiscate drugs and expropriate private property. Of course, the Parties should be obliged to seize and confiscate drugs if necessary, but he could not agree that seizure and confiscation should be mandatory in all cases, because he feared the possible consequences of such an obligation for the Danish authorities. In Denmark, it was for the judge to decide in each specific case. Besides, confiscation was not necessarily always justified; for example, there was no particular reason for confiscation where a pharmacist had sold drugs without a prescription. On the other hand, the English phrase "shall be liable" had the merit of allowing Governments some latitude.

Mr. CHIKARAISHI (Japan) pointed out that the *ad hoc* Committee on articles 31-34 had considered that the Government concerned should be free to decide how confiscated opium should be disposed of; that was why it had agreed to delete article 34. There would appear to be sound reasons for making a consequential change in article 46, and he therefore proposed the deletion of paragraph 2.

Mr. NIKOLIC (Yugoslavia) said he found it difficult to understand the Danish representative's view. His own view was that where illicit traffic or equipment used for illicit purposes was involved the only course was seizure. He did not think it possible to speak of private property when referring to goods acquired illegally. If the paragraph did not impose a clear obligation but left Governments free to act as they saw fit, it might just as well be deleted.

Mr. LANDE, Deputy Executive Secretary, explaining the relationship between article 34 and article 46, paragraph 2, said that whereas the latter governed all drugs in schedule I, article 34 was intended as a special provision applying only to opium and poppy straw. Where the special rule differed from the general rule, the special rule prevailed in accordance with the ordinary principles of legal interpretation.

Mr. KRUYSSE (Netherlands) suggested that paragraph 2 (*b*) be deleted because its provisions were covered by paragraph 2 (*c*).

Mr. CURRAN (Canada) said that the Parties should be under an obligation to seize drugs used in committing any offence constituting illicit traffic, and, if necessary to seize equipment, provided the seizure was made in accordance with domestic law. The provision was not of course intended to apply to trifling cases like that quoted by the Danish representative, but to big seizures. The basic aim was to prevent drugs from finding their way into the illicit traffic. The obligation entered into by the Parties in that respect did not affect their right to dispose of the substances seized as they saw fit.

Mr. NIKOLIC (Yugoslavia) said he endorsed that view; paragraph 2 could be deleted.

The CHAIRMAN asked for the Committee's views on the Yugoslav amendment for the replacement of the word "*pourront*" by the word "*devront*" in the French text.

Mr. GREEN (United Kingdom) said that the amendment was entirely unacceptable to his delegation. Under such a provision, the case might arise where, for example, a stolen car used to transport drugs was confiscated even though the owner of the car had no connexion with the offence.

Mr. BANERJI (India) said that, although he too would prefer that the wording be left as it was, as a compromise he proposed that it be amended to read "shall be seized and shall be liable to confiscation". The obligation would then apply only to the seizure, which was an act of the executive branch, while the confiscation would remain subject to a judicial decision.

Mr. von SCHENCK (Switzerland) supported the Indian proposal.

Mr. WATTLES, Legal Adviser, said that in his opinion the purpose of paragraph 1 was to compel a country which had no law authorizing seizure and confiscation to adopt such a law. Also, at least according to the English text, the court must confiscate property which had been seized if it was established that it was intended for the commission of an offence.

Mr. ELLENBOGEN (United States of America) said he thought there was a considerable difference between "shall be liable to seizure" and "shall be seized". In the former case the decision was left to the judiciary, whereas in the latter case there was a definite obligation. He was willing to accept the Yugoslav amendment. He did not believe the example given by the United Kingdom representative applied, because the text spoke of "equipment" and that term did not include vehicles.

Mr. CURTIS (Australia) said he much preferred the third draft text, which had certain connotations not necessarily present in the amendments proposed. He therefore hoped that it would be maintained.

Mr. NIKOLIC (Yugoslavia) said he entirely agreed with the United States representative, but since his

amendment seemed to be complicating matters, he was prepared to withdraw it in order to save time.

The CHAIRMAN suggested that paragraph 1 be kept as it stood in the third draft, it being understood that the Drafting Committee would be responsible for bringing the French and Spanish texts into line with the English text.

It was so agreed.

Paragraph 1 was approved.

The CHAIRMAN put to the vote the Japanese amendment for the deletion of paragraph 2.

The Japanese amendment was adopted by 14 votes to 4, with 10 abstentions.

Article 46, as thus amended, was adopted.

Article 45 (Penal provisions)
(resumed from the previous meeting)

The CHAIRMAN invited the Committee to consider the United Arab Republic amendment to sub-paragraph 2 (*a*) (iv) of the revised Canadian re-draft of article 45 (E/CONF.34/C.12/L.1/Rev.1).

Mr. NOURELDINE (United Arab Republic) said that the purpose of his delegation's amendment (E/CONF.34/C.12/L.6) was to reflect the territorial principle in criminal law. It was for the authority of the country in whose territory the offence had been committed to prosecute the offender, whether the latter was a national of the country or a foreigner. If the offender had fled to another country, he should be handed over to the authorities of the country in whose territory the offence had been committed unless the country to which he had fled refused extradition. If the offender fled to the country of which he was a national, there could be no extradition and he should then be prosecuted by the authorities of his own country. Under the laws of the United Arab Republic, a foreigner who had committed an offence in another country and was in the territory of the United Arab Republic could not be prosecuted.

Mr. von SCHENCK (Switzerland) said he thought the words " if committed abroad " were superfluous and should be deleted.

Mr. CURRAN (Canada) said he did not see why offences committed abroad were mentioned if the offence was to be punished by the country in whose territory it had been committed.

Mr. NOURELDINE (United Arab Republic) said that the amendment gave priority to the country in which the offence had been committed, but if extradition was impossible, the offender should be prosecuted by the country in whose territory he was found.

Mr. WATTLES, Legal Adviser, observed that the word " abroad " was justified in the Canadian text, the aim of which was to ensure that the offender would be tried and punished by any country in whose territory he was found, but seemed superfluous in the United Arab Republic amendment.

Mr. NIKOLIC (Yugoslavia) said that in fact it made the text incomprehensible.

Mr. von SCHENCK (Switzerland) proposed the deletion of the words " if committed abroad ".

Mr. NOURELDINE (United Arab Republic) said he accepted that amendment.

Mr. CURRAN (Canada) said that in that case he wondered whether, in the light of the explanation by the Legal Adviser, the rest of the amendment was necessary. Sub-paragraph 2 (*a*) (iv) seemed adequate, because it implied that all persons came within the scope of the law of the country in which the offence was committed; extradition was another matter.

Mr. WATTLES, Legal Adviser, said that the amendment widened the scope of the Convention in that it imposed an obligation on the Party in whose territory the offender was found if his extradition was not acceptable. If a Party, having learned that one of its nationals had committed an offence abroad, refused to extradite him, it would be obliged to prosecute the offender itself.

Mr. GAE (India) said he supported the amendment, but felt that, instead of the whole phrase " if committed abroad ", only the word " abroad " should be deleted. The Drafting Committee should be asked to make it clear that there was an alternative and that offences would be prosecuted by the Party in whose territory the offender was found, if his extradition was refused, only if the Party in whose territory the offence had been committed had not been able to prosecute him.

Mr. von SCHENCK (Switzerland), noting that the United Arab Republic representative had already agreed to the deletion of the words " if committed abroad ", pointed out that the words " either by nationals or by foreigners " were missing from the French translation and should be inserted; in that case, the words " if committed " should stand.

Mr. NOURELDINE (United Arab Republic) said he accepted that amendment.

Mr. ELLENBOGEN (United States of America) said that the word " abroad " was important for the State in which the offender was found, because its own laws would have to authorize it to prosecute an offence committed outside its jurisdiction.

Mr. NIKOLIC (Yugoslavia) said he saw no point in the amendment, since it went without saying that any person, whether a national or a foreigner, who committed a serious offence in a country was liable to prosecution. That was a fact which no one could contradict by a negative vote; the provision was unnecessary.

Mr. WATTLES, Legal Adviser, explained that the purpose of the amendment was to impose an obligation on the Party in whose territory the offender was found if his extradition was not acceptable. That was a legal obligation which might not otherwise exist, for example, in the case of States which prosecuted only offences committed in their own territory. A national might commit an offence abroad, return to his own country and not be prosecuted; whereas if the State was a Party

to the Convention it would be obliged to prosecute him, even if it meant that its laws had to be changed.

Mr. NIKOLIC (Yugoslavia) said that, since the reference to offences committed " abroad " had been deleted, the Committee was dealing only with offences committed by foreigners or nationals in a given country. The explanation given by the Legal Adviser evidently related to another point.

Mr. GREEN (United Kingdom) observed that the Legal Adviser's opinion was diametrically opposed to the introductory words of paragraph 2, under which the provisions of the paragraph were applicable only subject to the domestic law of a Party.

Mr. WATTLES, Legal Adviser, said he agreed with that observation. It was difficult to reconcile the wording of the amendment with that of the introductory words of paragraph 2, but obviously the Parties would not be compelled to change their laws.

Mr. GAE (India) said he agreed that sub-paragraph 2 (*a*) (iv) was governed by the introductory words of the paragraph. There was no problem in the first case envisaged by the amendment, that of an offender prosecuted for an offence committed in the country where he was found, whether he was a national or a foreigner, because it was a general principle of territorial jurisdiction. In the second case, the offender could be prosecuted in the country where he was found if his extradiction was not acceptable under that country's laws; in that case, the expression " either by nationals or by foreigners " was important. An offender was normally prosecuted only in the country in which he committed the offence. Even in the case provided for by the amendment there was no obligation, as offenders whose extradition was not acceptable under the laws of the country where they were found would be prosecuted only if those laws allowed it.

The CHAIRMAN put to the vote the United Arab Republic amendment as amended by the deletion of the word " abroad ".

The United Arab Republic amendment was adopted by 17 votes to 2, with 8 abstentions.

The meeting rose at 4.30 p.m.

FIFTH MEETING

Wednesday, 15 March 1961, at 5.30 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 44-46 of the Third Draft (E/CN.7/AC.3/9 and Add.1; E/CONF.34/C.12/L.7) (*continued*)

Article 45 (Penal provisions) (*continued*)

The CHAIRMAN invited the Committee to consider the new text proposed for article 45, which incorporated all the amendments adopted the previous day (E/CONF. 34/C.12/L.7).

Mr. RIOSECO (Chile) said that Chile could not vote for the text as a whole unless it was clearly understood that the Spanish text of paragraph 3, which was wrong, would be restored to the form in which it had been adopted the previous day (E/CONF.34/L.13).

The CHAIRMAN said that the error would be corrected by the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) asked whether the Drafting Committee could not eliminate some of the acts listed in paragraph 1, as the Canadian representative had suggested. So detailed a list seemed even less necessary since the addition of the phrase " or any other action which in the opinion of the Parties . . ."

The CHAIRMAN replied that it appeared to be the wish of the Committee that the list be retained as it stood.

Mr. GAE (India) said that there had also been an error in connexion with the Soviet amendment adopted at the second meeting of the Committee. The words " may be contrary ", proposed by the USSR, would be better than " is contrary ", since it was the opinion of the Parties that was involved.

The CHAIRMAN said that the error would be amended by the Drafting Committee. He put article 45 as a whole to the vote.

Article 45 as a whole, as amended, was approved by 21 votes to none, with 4 abstentions.

Mr. von SCHENCK (Switzerland) said that he had voted in favour of the new text (E/CONF.34/C.12/L.7), but reserved his delegation's right to reconsider its position on certain aspects of the article in plenary meeting.

Dr. MABILEAU (France) said he reserved his delegation's right to do the same.

Article 46 (Seizure and confiscation) (*resumed from the previous meeting*)

Mr. CURRAN (Canada) pointed out that the words " paragraph 1 " in paragraph 1 should now be deleted since article 45 in the form now adopted referred to offences in both paragraph 1 and paragraph 2.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said he wished again to draw attention to the fact that the word " *pourront* " in the French text did not accurately render the English expression " shall be liable to ".

Dr. MABILEAU (France), associating himself with that observation, suggested that the Drafting Committee be asked to alter the French text.

The CHAIRMAN said the various comments would be brought to the notice of the Drafting Committee. He put to the vote article 46, which now consisted only of paragraph 1, the remainder having been deleted the previous day.

Article 46, as amended, was approved by 24 votes to none.

The meeting rose at 5.50 p.m.

12. Joint *Ad hoc* Committee on Articles 25 and 44 of the Third Draft

FIRST MEETING

Tuesday, 14 March 1961, at 4.45 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 25 and 44 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/C.4/L.4/Rev.1, L.5 and L.6; E/CONF.34/C.12/L.2, L.4/Rev.1 and L.5)

Mr. BITTENCOURT (Chairman of the *ad hoc* committee on articles 44-46), said that the Chairman of the *ad hoc* committee on articles 30 and 40-43 had kindly invited him to preside over the joint meeting. He asked whether that arrangement was agreeable to the meeting.

Mr. Bittencourt was elected Chairman by acclamation.

The CHAIRMAN said that at the twenty-sixth plenary meeting it had been agreed that consideration of articles 25 and 44 should be undertaken jointly by the *ad hoc* committee on articles 30 and 40-43, and the *ad hoc* committee on articles 44-46. Although in fact article 25 had not been referred to any particular *ad hoc* committee, the conference having agreed at its eighth plenary meeting that consideration of article 25 should be deferred until the conference took up articles 44-46, it had originally been suggested by the Secretariat, in its note entitled " Division of the Convention and Outline Timetable " (E/CONF.34/C.1/L.1), that article 25 should be considered, under the heading " National Control: General ", by the *ad hoc* committee on part (*b*), articles 30 and 40-43. That was why that committee had now been asked to take part in the consideration of the two articles.

Article 25 (Special Administration)
and *Article 44* (International co-operation)

The CHAIRMAN said that five amendments had been submitted for consideration at the joint meeting. The most radical was that by the United Kingdom (E/CONF.34/C.4/L.4/Rev.1), a complete re-draft in which the two articles were combined. He asked whether the Committee agreed to take that amendment as a basis for discussion.

Dr. MABILEAU (France) said that, although the United Kingdom amendment had the merit of simplicity, it was difficult to combine two articles which dealt with different, though related, subjects.

Mr. RAJ (India) said that his delegation had already expressed its approval of the United Kingdom amendment at the plenary meeting, and he could see no objection to its being taken as a basis for discussion.

Mr. KRUYSSE (Netherlands) and Mr. NIKOLIC (Yugoslavia) said they shared the Indian representative's opinion.

It was agreed to take the United Kingdom amendment (E/CONF.34/C.4/L.4/Rev.1) as a basis for discussion.

Mr. NIKOLIC (Yugoslavia) said that his delegation could hardly accept paragraph 1 because the different administrations in Yugoslavia could not communicate direct with foreign administrations; that was done through the Ministry of Foreign Affairs.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that he had asked to be allowed to speak at the beginning of the discussion because he thought his views might facilitate the task of the joint meeting.

Interpol attached the greatest importance to articles 25 and 44. At the discussion of article 44 in the plenary meeting he had stated that two fundamental principles were vital to the effective working of the enforcement agencies; the first was direct international co-operation between those agencies and the rapid transmittal of legal papers, and the second was effective and co-ordinated preventive action at the national level. For preventive action to be effective at the national level, there must be specialized units of officials appointed to fight the illicit traffic. Such specialized units already existed in most countries, and Interpol was pleased that their importance was recognized in paragraph 2 (*a*) of article 44 of the third draft, even though the provision was weakened by the expression " may usefully " which preceded it. Such specialized units should be co-ordinated; that was an easy matter where the police force was organized at the national level, but was all the more necessary, although more complicated, when measures against the same kind of offence had to be taken by several agencies. Since the existence of a number of agencies was considered necessary in some countries, a further clause should be added to paragraph 2 (*b*) of article 44, reading: " and designate an agency or office to serve as a co-ordinating organ for preventive action at the national level ". In the case of States which already had a specialized administration with enforcement and preventive powers, that provision would cause no difficulty, because that administration would be designated as the co-ordinating organ. All references to a special administration were construed as meaning a state agency entrusted with the general application of the convention in any field, an agency which represented government policy in the matter of narcotic drugs and co-ordinated that policy for all the administrations concerned. In certain countries, like the United States and Iran, that agency was an administration in the true sense; in others it was a department of a ministry or an inter-ministerial committee without any real power.

With regard to the international transmittal of legal papers, Interpol supported the joint amendment by Brazil, India and Iran (E/CONF.34/C.12/L.2), or alternatively the Swiss amendment (E/CONF.34/C.12/L.4/Rev.1), and with regard to international co-operation between enforcement agencies, it supported the joint amendment by Brazil, India and Iran (E/CONF.34/C.4/L.5). It also urged that the United Kingdom amendment (E/CONF.34/C.4/L.4/Rev.1) should be supplemented by

the text of article 44, paragraph 2, of the third draft, with the additional clause which he had just suggested.

Mr. ACBA (Turkey) said that a special administration could comprise several administrations. In Turkey it took the form of an inter-ministerial committee which was responsible for co-ordinating the activities of the different ministries so as to give effect to the provisions of the international treaties, but could not get into touch with the administrations of other countries direct. For the prevention of illicit traffic, the Ministry of the Interior or of Security, or the division dealing with narcotic drugs, could enter into direct contact with the appropriate agencies of a foreign country; that applied only to prevention, not to all the obligations deriving from the Single Convention.

Dr. MABILEAU (France) said that his delegation's view on the question, one which it regarded as extremely important, had been known at the beginning of the Conference. His only objection to the principles advocated by the representative of Interpol was that they were still not strong enough. If, however, the Conference adopted those principles, it would undoubtedly have preserved what was essential, and its work would not have been in vain. In his view, those principles represented the indispensable minimum. He hoped that concrete form would be given to the various suggestions and a clear and precise text drafted which would be acceptable to all countries and would enable them to take effective action against the illicit traffic. In the absence of such a text, he reserved the right of his delegation to submit a fresh proposal to that effect.

Mrs. CAMPOMANES (Philippines) said she would like to hear an explanation of the words " special administration " used in the United Kingdom draft (E/CONF.34/C.4/L.4/Rev.1). In the Philippines several agencies were responsible for the control of narcotic drugs; some dealt with the legitimate trade in drugs and others with measures against smuggling. The Deputy Executive Secretary had stated in the plenary meeting that co-ordination of the various control agencies would be sufficient. The difficulty could be solved by the adoption of the Indian amendment (E/CONF.34/C.4/L.6).

Mr. RABASA (Mexico) said he did not think that the United Kingdom amendment was intended to make it compulsory to establish direct communication between the administrations in the different countries responsible for the control of narcotic drugs. The existing diplomatic and other channels customarily used by States must be respected. In his opinion it was only a question, as the text indicated, of facilitating correspondence, the exchange of information, the transmittal of legal papers and other forms of communication as much as possible through normal channels. As the Philippine representative had said, the adoption of the Indian amendment would dissipate any doubt on that subject. That amendment should not, however, apply only to paragraph 1 but should serve as a preamble to the whole of the text proposed by the United Kingdom.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said that the imperative character of the United Kingdom text with regard to communications between States was apt to create difficulties. While the Indian amendment would go some way towards removing that danger, the second clause in paragraph 1 should in any case be modified. The Convention could not impose a new system for international communications; the word " direct " should therefore be deleted, and the words " in conformity with the system existing in each country " added at the end of the paragraph.

The meeting rose at 5.30 p.m.

SECOND MEETING

Wednesday, 15 March 1961, at 6 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 25 and 44 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/C.4/L.4/Rev.1, L.5 and L.6; E/CONF.34/C.12/L.2, L.4/Rev.1 and L.5; E/CONF.34/C.13/L.1/Rev.1) (*continued*)

New text to replace Article 25 (Special administration) and *Article 44* (International co-operation)

The CHAIRMAN invited the Joint Committee to consider the new text suggested by France (E/CONF.34/C.13/L.1/Rev.1) to replace articles 25 and 44 of the third draft; it incorporated the amendments submitted by other delegations. He asked whether the Joint Committee, especially the authors of the various amendments, agreed to take the new text as a basis for discussion.

It was so agreed.

Mr. ACBA (Turkey) noted that the new text took into account the Turkish amendment (E/CONF.34/C.12/L.5) but still contained, in paragraph 2 (*a*), the expression " a special administration ". As he had mentioned at the previous meeting, he did not consider that a single administration for the purpose of applying all the provisions of the convention was feasible. If that expression could be understood as referring to the whole group of departments concerned he would not ask for it to be changed, but if it referred to a single body, some other wording would have to be found more in keeping with the actual situation in most countries.

The CHAIRMAN invited the Joint Committee to consider the new French text paragraph by paragraph.

Paragraph 1

Mr. BANERJI (India) said that, since the discussion at the last meeting had shown that the Indian amendment (E/CONF.34/C.4/L.6) might create difficulties for certain countries, his delegation would withdraw it.

Dr. MABILEAU (France) said that he saw no reason why the second part of paragraph 1, reading " having due regard to their constitutional, legal and adminis-

trative systems ", should not be deleted. His delegation had included it merely from a desire to include all the amendments that had been submitted.

Mr. de BAGGIO (United States of America) said he was glad the Indian amendment had been withdrawn because, had it been adopted, it could have caused his Government some embarrassment. Under United States law, a central administration for applying the provisions of the Convention could not be set up unless there were a special obligation to that effect in the Convention itself. That was why he feared that if the words " having due regard to their constitutional, legal and administrative systems " were left in the French text, his Government would have difficulty in establishing a constitutional basis for such action. He accordingly proposed the deletion of the words " having due regard to their constitutional, legal and administrative systems ".

Mr. YATES, Executive Secretary, said he would like to make a few observations on the form of the new text suggested by France. All the paragraphs of that draft, except paragraph 2 (*a*), dealt with the illicit traffic. Paragraph 2 (*a*), on the other hand, was much more general in character and bore on the application of almost every provision of the Convention. The Drafting Committee might perhaps be asked to change the order of the various paragraphs, so as to make it more logical; for instance, the present paragraph 2 could be put at the beginning of the text. It would be best if the form of the text could be kept as simple as possible.

Mr. CURRAN (Canada) said that if the second part of paragraph 1 were deleted, there would no longer be any reason to keep the first part, since paragraph 2 (*b*) contained the same idea, which was developed in paragraphs 3 (*a*) and 3 (*b*); the whole of paragraph 1 should then be deleted.

The CHAIRMAN said that, as he saw it, the first part of paragraph 1 stated a general obligation.

Mr. CHA (China) said that the first part of paragraph 1 was useful, because it stated a general principle which governed the rest of the article. The English wording of paragraph 2 (*a*) should be amended. The words " The Parties shall maintain a special administration " suggested that there should be a single administration for all the Parties; the opening words " The Parties " should be changed to " Each Party ". As for the expression " a special administration ", it certainly denoted, not a single body, but a group of services responsible for applying the Convention.

Mr. NIKOLIC (Yugoslavia) said he agreed with the Canadian representative that there would be no reason to retain the first part of paragraph 1 if the second part were deleted, because paragraph 2 (*b*) expressed the same idea. The United States representative had said that the Indian amendment might make it difficult for the United States to set up a central administration for the purpose of applying the Convention; there was no such central administration in Yugoslavia, where the relevant services were spread over several ministries. If the second part of paragraph 1 were deleted, the Yugoslav delegation would be forced to propose an amendment to the words " a special administration ".

Mr. SHARP (New Zealand) said he thought that paragraph 1 stated a general obligation to furnish mutual assistance in the campaign against the illicit traffic. If that was in fact the purpose of the paragraph, the reservation in the second part should stand.

Mr. CURRAN (Canada) said that, if it was desired to maintain paragraph 1, the second part of it should be retained; the paragraph would then constitute a complete unit, independent of the rest of the article, since it was unconnected with the question of a special administration. The problem raised by that expression in paragraph 2 (*a*) might be resolved if it were replaced by some such wording as " such administrative and enforcement agencies as are necessary for the purpose of . . ."

Mr. BOULONOIS (Netherlands) said that he too would like some explanation of what was meant by " special administration ". There was one such administration in the Netherlands, but it dealt with the matter only from the public health standpoint; the campaign against the illicit traffic was the responsibility of another administration. The order of the paragraphs in the French text was illogical, and should be changed; the text consisted of three parts, of which paragraph 2 (*a*) should become the first part, paragraph 1 and paragraphs 2 (*b*), 3 (*a*) and 3 (*b*) the second part, and paragraph 4 the third part.

Dr. MABILEAU (France) explained that paragraph 2 of the French draft bore on the general administrative aspects, while paragraph 3 was concerned more particularly with co-ordination of action against the illicit traffic. When his delegation had been drafting the text the previous day, it had encountered difficulties because it had tried to keep as close as possible to the partial texts which had been submitted as amendments. But it now suggested that, at the end of paragraph 2 (*b*), the words " with a view maintaining a co-ordinated campaign against the illicit traffic " be replaced by the words " with a view to facilitating the application of those provisions "; for the object of the paragraph should be general co-operation and not simply collaboration in connexion with the illicit traffic. The two aspects had been artificially brought together, but technically they were very different. Collaboration in the campaign against the illicit traffic had certain special requirements, to which he proposed to revert at a suitable time.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said he believed there were great advantages in the United States representative's suggestion, which it was all the easier to adopt now that the representative of India had withdrawn his amendment. If the expression " a special administration " was liable to create difficulties, it might perhaps be replaced by some such wording as " the necessary administrative machinery ".

Mr. RABASA (Mexico) said that he was prepared to accept the new French text without change. Paragraph 1 seemed to him indispensable, since it governed the rest of the article. Some delegations had expressed apprehension at the expression " a special administration ", in paragraph 2 (*a*), but if the limitation in paragraph 1 were retained, their difficulties would disappear, together with any which might arise from the subsequent paragraphs, since the whole article would be subject to the Parties' constitutional, legal and administrative systems. The United States delegation had raised the question of the establishment of a special administration, but with the limitations contained in paragraph 1, there would be no obligation to set up such an administration; it would be set up only if there were no constitutional obstacles. It was therefore essential to retain the limitation in paragraph 1.

The CHAIRMAN drew attention to the note by the Secretariat entitled " National Control Organs " (E/CONF.34/L.18) where it was explained that the " special administration " provided for in the 1931 Convention " does not need to be a single authority for all the purposes mentioned in the article ".

Mr. GREEN (United Kingdom) said he thought it would be difficult to separate the provisions of paragraph 1 from those of paragraph 2 (*a*). If the second part of paragraph 1 were deleted — and he thought it should be — the first part could be incorporated in paragraph 2 (*a*). In view of the explanation to which the Chairman had just drawn attention with regard to the meaning of the words " a special administration ", there would be no objection to deleting the reservation contained in the second part of paragraph 1. But, to make matters clearer and eliminate all doubt, there might be added, after the words " a special administration ", the words " or some other effective administrative arrangements for the purpose of applying . . ."

Mr. von SCHENCK (Switzerland) said that the idea expressed in the first part of paragraph 1 was very general, so much so that some delegations had considered it might be deleted. His own delegation would like that part of the paragraph to be retained. In order to be able to apply the international penal procedure provided for in the Convention, Switzerland required a basis in the Convention itself; a sentence such as in paragraph 1 would suffice. He therefore hoped that its deletion would not be requested, unless it constituted an insurmountable obstacle for certain delegations.

The CHAIRMAN put to the vote the Canadian amendment that paragraph 1 be deleted.

The Canadian amendment was rejected by 21 votes to 1, with 1 abstention.

The CHAIRMAN put to the vote the Indian amendment that the words " having due regard to their constitutional, legal and administrative systems " be deleted.

The Indian amendment was rejected by 12 votes to 4, with 7 abstentions.

Paragraph 1 was approved.

Mr. de BAGGIO (United States of America) pointed out that article 25 of the third draft had no preamble. Assuming the desirability of combining articles 25 and 44 in one, it might turn out, as a result of the combination, that certain provisions would constitute a sort of preamble, as in the case of paragraph 1. That preamble would then apply to all the clauses of the article, a development not envisaged in the original text. In order to overcome that difficulty he therefore proposed that paragraph 1 be separated from the rest of the article.

Mr. CURRAN (Canada) said it had never occurred to him that paragraph 1 might be regarded as constituting a preamble. In his view, the words " having due regard to their constitutional, legal and administrative systems " applied solely to mutual assistance by the Parties.

Mr. von SCHENCK (Switzerland) said he thought that paragraph 1 would constitute a preamble only if the final full stop were replaced by a colon.

Mr. WATTLES, Legal Adviser, said he considered that paragraph 1, as it stood at present, would apply to the whole article.

Mr. SHARP (New Zealand) said that he would find difficulty in agreeing that a paragraph bearing a separate number could be a preamble. He had been under the impression that the reference to constitutional, legal and administrative systems applied only to paragraph 1.

Mr. BOULONOIS (Netherlands) said he fully endorsed that view, and it was on that understanding that he had voted.

The CHAIRMAN said that the vote had been on paragraph 1 as a separate paragraph and not as a preamble.

The meeting rose at 7 p.m.

THIRD MEETING

Thursday, 16 March 1961, at 11 a.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 25 and 44 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/1 and Add.1-2; E/CONF. 34/C.4/L.4/Rev.1, L.5, L.6; E/CONF.34/C.12/L.4/ Rev.1; E/CONF.34/C.13/L.1/Rev.1) (*continued*)

New text to replace articles 25 (Special administration) and *44* (International co-operation *(continued)*

Paragraph 2 (a)

The CHAIRMAN invited the Joint Committee to consider paragraph 2 (*a*) of the new text suggested by France to replace articles 25 and 44 (E/CONF.34/C.13/ L.1/Rev.1).

Mr. GREEN (United Kingdom) said that paragraph 2 (*a*), which concerned a special administration

for applying the provisions of the Convention, was out of place in a text dealing with the illicit traffic and its point was lost. Rather than attempt to combine two such different subjects, it would be better to revert to the original solution of two separate articles. He therefore proposed, first, that paragraph 2 (*a*) be taken out to form a new article 25, which should also contain a statement to the effect that the term " special administration " did not mean a single administration, and secondly, that a vote be taken on the question whether the phrase " having due regard to their constitutional, legal and administrative systems ", which at the previous meeting it had been decided should be retained in paragraph 1, should apply only to that paragraph or to the rest of the paragraphs as well, excluding paragraph 2 (*a*), which would no longer be part of the article if his first proposal were adopted.

Mr. de BAGGIO (United States of America) said he supported the United Kingdom representative's two proposals, to make a separate article of paragraph 2 (*a*) and for a vote on the application of the second part of paragraph 1.

Mr. RABASA (Mexico) said he also supported the United Kingdom representative's two proposals. Although he had found the French text acceptable, it was far from homogeneous because it attempted to reconcile too many points of view. For that reason, he was in favour of making a separate article of paragraph 2 (*a*), with the clarification of the meaning of the term " special administration ", as proposed by the United Kingdom representative. The actual wording of the definition could be left to the Drafting Committee.

At the previous meeting he had voted for paragraph 1 on the understanding that the limitation contained in the second part applied not only to paragraph 1 but also to the whole article, in accordance with the opinion given by the Legal Adviser. However, he would bow to the decision of the majority and would welcome a vote on the principle in order to make the point quite clear.

Mr. ESTABLIE (France) said that in its re-draft his delegation had tried to incorporate the different amendments to articles 25 and 44 with as few changes as possible. The resulting text was not perfect and should be regarded as a working paper to serve as a basis for discussion rather than as a final draft. Paragraph 1 was a general statement of the principle of mutual assistance; paragraph 2 was concerned with co-operation within the framework of the Convention, but specifically to combat the illicit traffic; paragraph 3 dealt with repressive action, and paragraph 4 with the transmittal of legal papers. All those elements were important and should be retained. They could be retained either by dividing the text into two separate articles, as proposed by the United Kingdom, or by making slight changes in the text in order to make it clear that there should be a special administration in each country to apply the provisions of the Convention, and that those special administrations should co-operate for the purpose of combating the illicit traffic.

The necessary slight changes would be to insert, at the beginning of paragraph 1, the phrase " With a view to the effective application of the provisions of the present Convention ", which would give that paragraph a more general meaning, and if paragraph 2 (*a*) were retained, to insert in paragraph 2 (*b*), before the words " with a view ", the word " particularly ".

Mr. NIKOLIC (Yugoslavia) said he strongly supported both the United Kingdom proposals.

Mr. SHARP (New Zealand) said that he had voted for the retention of the limiting clause in paragraph 1 on the understanding that it applied only to paragraph 1. If other delegations wished those words to apply to the other paragraphs of the text, his delegation would accept that, although New Zealand could apply the other paragraphs with that limitation.

Mr. BANERJI (India) said he supported the United Kingdom proposal that paragraph 2 (*a*) be made a separate article, which would include a statement that the term " special administration " meant not a single administration but a group of administrations. A vote should be taken on the question whether the limiting clause at the end of paragraph 1 applied to all the other paragraphs; in his view, it did.

Mr. ESTABLIE (France) said that he had no objection to the removal of paragraph 2 (*a*) to form a separate article.

The CHAIRMAN put to the vote the United Kingdom amendment that paragraph 2 (*a*) be made a separate article.

The United Kingdom amendment was adopted.

Mr. BANERJI (India) asked whether it was not desirable that the Committee should express its views clearly on the meaning of the term " special administration " as used in the new article.

The CHAIRMAN said that a definition would be included in the report. The Committee should now take decision on whether the words " having due regard to their constitutional, legal and administrative systems ", in paragraph 1, applied to that paragraph only or to all the succeeding paragraphs as well.

Mr. ESTABLIE (France) said that paragraph 1 of his delegation's text was meant to be a general statement concerning the moral obligations of Parties. While the paragraph was open to different interpretations, he felt that it could be considered as to some extent governing the nature of the provisions in the following paragraphs.

Mr. CHA (China) said that paragraph 1 of the French text should not be considered as a preamble to the other paragraphs. Some Parties might have difficulty in maintaining a properly co-ordinated campaign against the illicit traffic and to apply paragraph 1 to the following paragraphs might reduce the effectiveness of the whole article. Before a vote was taken on the question, each delegation should have an opportunity to state its position.

Mr. FERRARI (Brazil) said that his view differed from that of the Chinese representative. His view was that the provisions of paragraph 1 should also apply to the obligations stated in the remaining paragraphs, since a Party could not undertake to fulfil obligations that were contrary to its constitutional and legal system.

The CHAIRMAN suggested that a decision on the application of paragraph 1 be postponed until consideration of the other paragraphs had been completed.

It was so agreed.

Mr. CURRAN (Canada) suggested that, now that it had been decided to make a separate article of paragraph 2 (*a*), the Committee might resume its consideration of article 25 independently of article 44.

It was so agreed.

Article 25 (Special administration)
(*resumed from the first meeting*)

After an exchange of views the Chairman suggested that, since some delegations favoured the French delegation's new text whereas others preferred the third draft text of article 25, and since at the first meeting the United Kingdom amendment (E/CONF.34/C.4/L.4/Rev.1) had been accepted as a basis for discussion, the three texts should be referred to the Drafting Committee.

It was so agreed.

Article 44 (International co-operation)

Mr. CURRAN (Canada) suggested that, since it had been decided that paragraph 2 (*a*) of the French delegation's text should be made a separate article, it might be wiser to revert to the third draft text for article 44, which had considerable merits.

After a further exchange of views the CHAIRMAN put to the vote the question whether or not discussion should continue on the basis of the French delegation's text.

It was decided by 19 votes to 6, with 4 abstentions, that discussion be continued on the basis of the French text (E/CONF.34/C.13/L.1/Rev.1).

Paragraph 2 (b)

The CHAIRMAN invited the Committee to consider sub-paragraph 2 (*b*) of the French text, which would now become paragraph 2.

Mr. ESTABLIE (France) said that he would withdraw his proposal for the insertion of the word " particularly " before the words " with a view ", since it would serve no useful purpose now that paragraph 2 (*a*) had been made a separate article.

Mr. CHA (China) said that, although he was in favour of including the phrase " of which they are members ", it did require some clarification. How would it affect, say, Switzerland, which played an important part in international activities, especially in the campaign against illicit traffic? Since it was not a member of the United Nations, would it be debarred from co-operating with members of the United Nations if that phrase were retained?

Mr. von SCHENCK (Switzerland) said his country would certainly wish to co-operate with international organizations of which it was not a member. He would have no objection to the deletion of the phrase " of which they are members ", if that were thought desirable.

Mr. NIKOLIC (Yugoslavia) said it was necessary to retain the words " of which they are members ", because a country should not be required under an international convention to co-operate with an organization to which it did not belong. In his view, the words " competent international organizations " referred not to the United Nations, but to the specialized agencies and to non-governmental organizations such as the International Criminal Police Organization.

Mr. WIECZOREK (Poland) said he fully supported the views expressed by the Yugoslav representative. The words " competent international organizations " referred to specialized agencies, not to the United Nations. The words " of which they are members " were very important and should be retained.

Mr. ACBA (Turkey) said that he agreed entirely with the views of the two previous speakers. A country should never be obliged to co-operate with organizations of which it was not a member.

Mr. ESTABLIE (France) explained that, in using the words " competent international organizations " his delegation had intended to refer, not to the United Nations, but to the specialized agencies. He did not see how co-operation could be required from States which were not members of the organizations concerned.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said he saw no objection to including the words " of which they are members " in the Convention, since paragraph 2 would not prevent a country such as Switzerland from co-operating with an organization of which it was not a member, if it so desired.

Mr. YATES, Executive Secretary, said it was the opinion of the secretariat that the words " competent international organizations ", in the present form of the text, did include the United Nations.

The CHAIRMAN said that, if there were no objection, he would assume that paragraph 2 (*b*) of the new text suggested by France (E/CONF.34/C.13/L.1/Rev.1) was approved.

Paragraph 2 (b) was approved.

Paragraph 3 (a)

Mr. BANERJI (India) said he would prefer the word " preventive " to the word " repressive " in the first sentence and the substitution of the word " appropriate " for the word " enforcement " in the second sentence.

There were some countries such as India in which the central agency responsible for the co-ordination of action against the illicit traffic was not itself an enforcement agency, but an administrative agency. The important point was that the co-ordination sohuld be accomplished speedily by a central agency; it did not matter if the central agency was not an enforcement agency.

Mr. ESTABLIE (France) said that the points raised by the Indian representative were points of translation. The terms used in the French text " *action répressive* " and " *service répressif* ", were established terms which exactly expressed the intention of the provision.

Mr. CHA (China) said he would like to see the word " repressive ", in the first sentence retained, but would also like to have the word " preventive ", which had been used in the United Kingdom amendment to articles 25 and 44 (E/CONF.34/C.4/L.4/Rev.1), included. He therefore proposed that the words " preventive and " should be inserted before the word " repressive " in the first sentence.

Mr. CURRAN (Canada) said it seemed incongruous that, when the title of article 44 of the third draft was " International co-operation ", paragraph 3 (*a*) should deal with national co-operation.

He suggested that the word " repressive " in the first sentence be replaced by the word " effective ". He doubted that the word " enforcement " in the second sentence was needed. At the same time, he could not agree that " enforcement " should be replaced by the word " appropriate ", since the agency would not have been designated by the Government as the body responsible for the co-ordination of action against the illicit traffic unless it were an appropriate agency.

Mr. AZARAKHSH (Iran) said that Iran had been applying the provisions contained in paragraph 3 (*a*) for the past four years. It had a number of agencies concerned with the enforcement of narcotics laws; in the general narcotics control administration, which was a part of the Ministry of Public Health, there was a section dealing with enforcement. It would be wise to retain the idea of an enforcement agency responsible for the co-ordination of action against the illicit traffic, but another word might be substituted for " enforcement ".

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, welcomed the fact that the French text (E/CONF.34/C.13/L.1/Rev.1) included some of the ideas he had urged at the previous meeting. He was particularly gratified at the inclusion of the words " co-ordination of repressive action against the illicit traffic ". With regard to the second sentence, he wished to emphasize that the campaign against the illicit traffic was a police campaign; it could not be conducted by a purely administrative agency. The Indian and Iranian administrative agencies no doubt had sections dealing with the enforcement of narcotics laws. The 1936 Convention had used the expression " set up . . . a central office ", but the present text read simply " designate an . . . agency ", and included the qualifying adverb " usefully ", which gave the Parties a certain freedom of action; in any case, the second sentence was only a general recommendation. It was essential that the terms " *action préventive* " and " *services répressifs* " should be retained in the French text; their correct translation into English was a matter which could be left to the Drafting Committee.

Mr. FERRARI (Brazil) said he agreed with the representative of the International Criminal Police Organization; in many countries, an administrative agency did not have authority to take police measures. But co-ordinated national police action could not ensure rapid and effective international co-operation. That could, however, be ensured by the addition of the sentence proposed in the Brazilian, Indian and Iranian amendment (E/CONF.34/C.4/L.5).

Mr. NIKOLIC (Yugoslavia) said he wondered whether the first sentence of the paragraph was really necessary; it was hardly conceivable that if a country wanted to enforce its narcotics laws it would make no arrangements at the national level for the co-ordination of enforcement action.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that there were, nevertheless, countries which made no arrangements for the co-ordination of enforcement activities at the national level. The lack of such co-ordination was particularly damaging in the fight against the illicit traffic, which was an organized criminal activity. Co-ordination at the national level was essential to co-ordination at the international level.

The CHAIRMAN put to the vote the Chinese amendment for the insertion of the words " preventive and " before the word " repressive " in the first sentence.

The Chinese amendment was adopted by 15 votes to 3, with 7 abstentions.

Mr. SHARP (New Zealand) said that he was unable to vote on the provisions in paragraph 3 because of the uncertainty regarding the applicability of the limiting clause in paragraph 1.

Mr. ESTABLIE (France) said that he had voted for the Chinese amendment because the addition of the words " preventive and " would not affect the meaning of the French text.

The CHAIRMAN put to the vote the Indian amendment for the substitution of the word " appropriate " for the word " enforcement " in the second sentence.

The Indian amendment was adopted by 16 votes to 3, with 7 abstentions.

Mr. CURRAN (Canada), supported by Mr. NIKOLIC (Yugoslavia) and Mr. MacKENZIE (Australia) requested a separate vote on the second sentence, which, they thought, would be appropriate in a handbook of instructions for national Governments, but not in an international convention. It was, in effect, merely a suggestion and served no useful purpose.

Mr. ESTABLIE (France) said that, even in its present diluted form, the sentence was useful and should be retained.

Mr. de BAGGIO (United States of America) said he agreed with the French representative that the second sentence, although very much watered down, still expressed an important idea, namely, that the fight against the illicit traffic could best be carried on by a national agency which was responsible for the co-ordination of the efforts of other national agencies.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said he hoped that the second sentence would be retained. It could prove very useful since, in some countries where co-ordination was maintained only intermittently, it might serve as a basis for the improvement of their national agencies; it would stress the importance of regular co-ordination at the national level. Interpol attached great importance to the sentence.

Mr. CURRAN (Canada) said that, in view of the opposition which it had provoked, he would withdraw his request for a separate vote on the second sentence.

Paragraph 3 (a), as amended, was approved, subject to whatever decision might be reached on the applicability of the limiting clause in paragraph 1.

The meeting rose at 1.5 p.m.

FOURTH MEETING

Thursday, 16 March 1961, at 3 p.m.

Chairman: Mr. BITTENCOURT (Brazil)

Consideration of Articles 25 and 44 of the Third Draft (E/CN.7/AC.3/9; E/CONF.34/C.4/L.4/Rev.1, L.5, L.6; E/CONF.34/C.12/L.2, L.4/Rev.1 and L.5; E/CONF.34/C.13/L.1 and Rev.1) (*concluded*)

Article 14 (International co-operation) (*continued*)

Paragraph 3 (b)

The CHAIRMAN invited the meeting to continue its consideration of the new text suggested by France (E/CONF.34/C.13/L.1/Rev.1).

Mr. GREEN (United Kingdom) said that he could accept the paragraph if it were supported by a majority, though he regarded it as superfluous. The word " must " in the English text was, however, far too strong. Moreover, it was presumptuous to tell the enforcement agencies how to do their work; " the most expeditious manner " might not always be the best. A more suitable wording would be " in an expeditious manner ".

Mr. BANERJI (India) pointed out that at the previous meeting it had been decided that the word " enforcement " in paragraph 3 (*a*) should be replaced by the word " appropriate ". The same change should presumably be made in paragraph 3 (*b*) also.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said that he saw no harm in being reminded, in the Convention, of elementary guiding principles. He hoped that the paragraph would be retained as it stood.

Mr. ESTABLIE (France) said that paragraph 3 (*b*) was based on the joint amendment submitted by Brazil, India and Iran (E/CONF.34/C.4/L.5). He asked whether those delegations accepted the amendment proposed by the United Kingdom.

Mr. BANERJI (India) and Mr. FERRARI (Brazil) said that they had no objection to the amendment proposed by the United Kingdom.

Mr. CURRAN (Canada) said he shared the view of the United Kingdom representative. If the paragraph was to be retained, the word " must " in the English text should certainly be replaced by the word " shall ", which was the strongest word used in any of the other articles. There was no reason to place unnecessary emphasis on what was, after all, only one facet of international co-operation in narcotics control, and the present wording might be interpreted as a reflection on Governments which were eager to co-operate, and would certainly, when necessary, try to proceed as expeditiously as possible.

The CHAIRMAN suggested that it be left to the Drafting Committee to amend the text as it thought fit.

Mr. ESTABLIE (France) said it was not a matter for the Drafting Committee to decide.

Mr. BANERJI (India) said he agreed with the representative of Canada that the word " must " in the English text was too brusque and might be unpalatable to Governments. It should be replaced by the word " shall ".

Mr. ESTABLIE (France) said that the point was merely one of translation. The French text, in which the word used was " doit ", was entirely satisfactory to his delegation, but it seemed that in the English text the word was sometimes translated by " shall " and sometimes by " must ". He would, of course, have no objection to the English word being changed provided the French text was not altered.

The CHAIRMAN said that he thought the wording of the English text could be left to the Drafting Committee. He put to the vote the United Kingdom amendment to replace the words " in the most expeditious manner " by the words " in an expeditious manner ".

The United Kingdom amendment was adopted by 17 votes to none, with 11 abstentions.

Paragraph 3 (b), as thus amended, was approved.

Paragraph 4

Mr. GREEN (United Kingdom) said that, as it stood, the beginning of the paragraph appeared to make the international transmittal of legal papers a binding

obligation; if that was not the intention, presumably the matter was simply one of drafting. The same amendment as had just been adopted to paragraph 3 (*b*), replacing the words " in a most expeditious manner " by the words " in an expeditious manner ", should also be made in paragraph 4. Finally, he wondered whether the last part of the paragraph sufficiently protected the right of the Parties to transmit legal papers in the customary manner, which in the case of the United Kingdom was through the diplomatic channel. The 1936 Convention had safeguarded that right, and he suggested that the present Convention include a clearer indication, similar to that included in the relevant article of the 1936 Convention, that the right in question was not prejudiced. The Drafting Committee could be asked to make the necessary change.

Mr. CHIKARAISHI (Japan) said that he too would like to know whether refusal to transmit legal papers would be considered a breach of the Convention, or whether the Parties would simply have a moral obligation to transmit such papers. Article 13, paragraph 8, of the 1936 Convention, made it clear that the Parties were not required to execute letters of request otherwise than within the limits of their laws. Was it proposed to go further than that the under present Convention?

Mr. NIKOLIC (Yugoslavia) said he associated himself with the observations of the United Kingdom representative. However, if the limiting clause in paragraph 1 was to be regarded as governing the article as a whole, that would be a sufficient safeguard, even if the wording of paragraph 4 were left unchanged.

Mr. ESTABLIE (France) pointed out that there was still another discrepancy between the English and the French texts. The French text, which was based on the amendment submitted by Brazil, India and Iran (E/CONF.34/C.12/L.2), read " *cette transmission pourra s'effectuer* ", but in the English text the word " *pourra* " was translated by " shall ". It seemed to him that the original French text was flexible enough to be accepted by everyone.

Mr. BANERJI (India) said that if the words " in the most expeditious manner " were replaced by the words " in an expeditious manner ", as has been done in paragraph 3 (*b*), that would give the desired emphasis to the idea of expeditiousness, and at the same time meet the objections of the United Kingdom representative.

Mr. RABASA (Mexico) said he thought that the United Kingdom representative's main objection lay elsewhere. What the United Kingdom wanted to ensure was that the transmittal of legal papers could continue to take place through the diplomatic channels, as was the custom in the United Kingdom and in a number of other countries.

The CHAIRMAN said he thought that the United Kingdom representative wished to see the terms of article 13 of the 1936 Convention reproduced in paragraph 4.

Mr. CURRAN (Canada) said that, if the second part of paragraph 1 were maintained and if that paragraph served as a preamble to the article as a whole, that would provide the necessary safeguard. It would then be sufficient to state, at the end of paragraph 4, that such transmittal would be effected through the appropriate channel and as expeditiously as possible.

Mr. FERRARI (Brazil) said that the purpose of paragraph 4 was to expedite the transmittal of legal papers so that international co-operation in the campaign against the illicit traffic would be more effective; under the terms of that paragraph, countries which wished to use more direct and expeditious methods than the diplomatic channel were called upon to do so.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that under Soviet law, legal papers were transmitted either direct from one court to another, if there was a bilateral legal assistance agreement between the USSR and requesting State, or, if there was no such agreement, through the diplomatic channel. Paragraph 4 should include a reference to national law; for instance, the words " to the bodies designated by the Parties " could be replaced by some such wording as " in accordance with the law of the country to which the request is addressed ". As regards the expression " in the most expeditious manner ", perhaps just " in an expeditious manner " would suffice.

Mr. NIKOLIC (Yugoslavia) suggested that in order to cut short the discussion, a decision should be taken at once as to whether the limiting clause in paragraph 1 applied to all the subsequent paragraphs. If it were decided that it did, there would be no need for any major change in paragraph 4.

Mr. CHIKARAISHI (Japan) said that he would like to know what precisely was meant by the word " bodies ". Did it mean that the papers were to be transmitted to the courts, to the Ministry of Foreign Affairs, or to any person the Parties might designate ?

The CHAIRMAN said that, as the Brazilian representative had already pointed out, the bodies might vary, according to the method of transmittal adopted by different countries.

Mr. CURRAN (Canada) asked what the real, practical value of the provision was. Did a country often have occasion to request the international transmittal of legal papers with such great speed, or was the provision only of theoretical value ? Perhaps the representative of Interpol could enlighten them on that point.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the Chairman, said he could give a factual illustration of the importance of the provision. Two or three years ago, a trafficker carrying 10 kg of heroin for a foreign destination had been arrested in a certain country and remanded in custodA. Letters of request had been sent through diplomatic channels to the trafficker's country of destination. Transmittal of the legal papers had taken nearly a year. Meanwhile the judge in charge of the case, having no power to keep the trafficker in custody any longer, had been obliged to release him so that he had left the country and escaped punishment.

In important illicit traffic cases, requests for the transmittal of legal papers from one country to another were very common, and the adoption of a provision along the lines of paragraph 4 would constitute a great improvement from the standpoint of everyday practice. The provision followed fairly closely a wording suggested by INTERPOL, while a similar provision had been included in the 1936 Convention. The wording " to the bodies designated by the Parties " seemed to cover almost every situation. The Party concerned would designate the appropriate body under its national law. If it were the Ministry of Foreign Affairs, as in the case of the United Kingdom, the legal papers could be transmitted through that channel.

Mr. von SCHENCK (Switzerland) said he entirely agreed with the representative of INTERPOL. Illicit drug traffic was by definition an international problem. The international transmittal of legal papers was therefore a matter of topical importance. Transmittal through the diplomatic channel was apt to be very slow, and it would be a great help to the Parties if they were permitted to adopt more expeditious methods.

Mr. SHARP (New Zealand) said he thought that the best course would be to take a vote as soon as possible on whether the limiting clause in paragraph 1 applied to paragraph 4. If it did, then the matter would be put beyond all doubt.

Mr. CURRAN (Canada), supporting the New Zealand representative, said he found it difficult to understand how the case quoted by the INTERPOL representative could have occurred. If a trafficker carrying 10 kg of heroin had been arrested in Canada, he would unquestionably have been given a long term of imprisonment, whether the legal papers requested from abroad were sent quickly or not.

Mr. CURTIS (Australia) said that the underlying idea of the article was a simple one: all countries should do their best to co-operate, and they would undoubtedly do so. However, the various provisions of the article covered a very wide field and might raise constitutional, legal and administrative difficulties for the Parties. For example, Australia was a Federation, in which administrative and other arrangements had to take into account the constitutional position of the States. Certain terms used in the article had connotations and implications which were not absolutely clear. His delegation therefore considered it essential that the limiting clause in paragraph 1 should apply to all the succeeding paragraphs, and he would not easily be persuaded that such a qualification was unnecessary. He accordingly hoped that that would be the decision of the majority.

Mr. CHA (China) said that the example quoted by the INTERPOL representative showed how difficult it was in some countries to apprehend and punish a trafficker, even when his guilt had been established. It served to emphasise how important it was to be able to effect the international transmittal of legal papers quickly. He earnestly hoped, therefore, that those States which were not constitutionally prevented from doing so, would accept, without the reservation implicit in paragraph 1, a provision which was vital to the campaign against the illicit traffic.

Mr. ACBA (Turkey) formally proposed that the Committee vote on this question whether or not the limiting clause in paragraph 1 applied to paragraph 4.

Mr. CURRAN (Canada) said he shared the opinion of the Australian representative. The article as a whole would apply to legal systems which doubtless differed in many respects, but in one respect agreed, namely, that all were directed to the suppression of the illicit traffic. It should therefore open with a special clause which would enable all countries to become Parties to the Convention. Such a clause was that with which article 45 began, " Subject to their constitutional limitations ". It would be wrong to impose on the Parties obligations which were incompatible with their legal systems.

Mr. von SCHENCK (Switzerland) said he agreed that account should be taken of restrictions imposed by constitutional and legal systems. But the Conference had been convened, not to set the seal on accomplished facts but to introduce new elements into administrative systems. He suggested therefore that it might be sufficient to say " having due regard to their constitutional and legal systems ", without mentioning administrative systems.

Mr. RABASA (Mexico), said that, at the beginning of the discussion on the new French text, he had said that he was prepared to accept it without change. In view of the objections raised by certain representatives to paragraphs 2, 3 and 4, he had suggested that the limiting clause in paragraph 1 should govern the whole article. A vote, however, had been taken on paragraph 1 as a separate paragraph, not as a preamble. The committee was now looking for a compromise. He supported the views of the Australian and Canadian representatives which were in line with his own earlier proposal.

The CHAIRMAN put to the vote the Swiss amendment that in paragraph 1 the phase " constitutional, legal and administrative systems " be replaced by the phrase " constitutional and legal systems ".

The Swiss amendment was adopted by 25 votes to 1, with 5 abstentions.

The CHAIRMAN put to the vote the Turkish proposal that the limiting clause " having due regard to their constitutional, legal and administrative systems " apply to paragraph 4.

The Turkish proposal was rejected by 7 votes to 7, with 11 abstentions.

The CHAIRMAN said the United Kingdom representative had proposed a new wording for paragraph 4 on the lines of his earlier remarks; it read:

" Where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal shall be effected in an expeditious manner to the bodies designated by the Parties. This requirement

shall be without prejudice to the right of a Party to require that legal papers shall be sent to it through the diplomatic channel."

The United Kingdom amendment was adopted by 10 votes to none, with 19 abstentions.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, in view of the result of the vote, he would withdraw his own amendment for the replacement of the words " to the bodies designated by the Parties " by the words " in accordance with the law of the country to which the request is addressed ".

Paragraph 4, as amended, was approved.

The CHAIRMAN invited the Committee to vote on the question whether the limiting clause in paragraph 1 also applied to the other paragraphs.

Mr. NIKOLIC (Yugoslavia) asked whether the Chairman meant the whole clause, as it appeared in the final text, or the clause as now modified by the adoption of the Swiss amendment. Paragraphs 2 and 3 dealt with administration.

Mr. BANERJI (India) said that, in the case of paragraphs 2 and 3, a mention of administrative systems was essential. He was not sure whether the Swiss representative's amendment had been intended to apply to those two paragraphs.

Mr. von SCHENCK (Switzerland) replied that his amendment had been intended to cover paragraphs 2 and 3, as the underlying purpose was that changes in administrative systems should be recommended.

Mr. NIKOLIC (Yugoslavia) said that in his opinion, with the adoption of the United Kingdom amendment, which was equivalent to saying that due regard must be paid to administrative customs, the Swiss amendment to delete the word " administrative " from the limiting clause had been cancelled.

Mr. WATTLES, Legal Adviser, confirmed that the United Kingdom amendment covered administrative systems.

Mr. CURRAN (Canada), speaking as Chairman of the Drafting Committee, asked whether there was intended to be a difference of meaning between the expressions " having due regard to " and " subject to ". The expression " subject to " had been used in several other articles of the Convention. For the sake of uniformity, the same expression ought to be used where there was no difference of substance.

The CHAIRMAN suggested that the point be left to the Drafting Committee; the French text reproduced a phrase taken from an amendment submitted by India, and India was a member of the Drafting Committee.

It was so agreed.

Mr. RABASA (Mexico) suggested that a vote be taken on the question whether the limiting clause in paragraph 1, as worded in the French new text (E/CONF.34/C.13/L.1/Rev.1), should govern the other paragraphs. If the meeting voted in favour, the question would be settled; if it voted against, a vote could then be taken on the application of the Swiss amendment.

The CHAIRMAN said that, since a separate vote was to be taken on each paragraph, he would put to the vote the question whether the limiting clause " having due regard to their constitutional and legal systems " should apply to paragraph 1.

The question was decided in the affirmative by 16 votes to none, with 8 abstentions.

The CHAIRMAN put to the vote the question whether the original limiting clause, which included the word " administrative " should apply to paragraph 1.

The question was decided in the affirmative by 10 votes to 5, with 11 abstentions.

The CHAIRMAN asked whether, in view of the result of the vote, the Swiss representative wished a separate vote to be taken on each of the two wordings in the case of paragraphs 2 and 3.

Mr. von SCHENCK (Switzerland) said that he would not press it.

The CHAIRMAN put to the vote the question whether the limiting clause, as drafted in paragraph 1, should apply to paragraph 2 (*b*).

The question was decided in the affirmative by 17 votes to none, with 11 abstentions.

The CHAIRMAN put to the vote the question whether the same clause should apply to paragraph 3 (*a*).

The question was decided in the affirmative by 17 votes to none, with 10 abstentions.

The CHAIRMAN put to the vote the question whether the same clause should apply to paragraph 3 (*b*).

The question was decided in the affirmative by 16 votes to 2, with 9 abstentions.

Mr. CURRAN (Canada) said that the limiting clause now apparently applied to all the paragraphs except paragraph 4. That exception did not, however, seem to be the wish of the majority, since the United Kingdom amendment, which concerned administrative systems, had been adopted. The Drafting Committee would need some clarification.

Mr. von SCHENCK (Switzerland) said that he would not insist that his amendment apply to paragraph 4.

The CHAIRMAN said that, since there had been a vote, the debate on the Swiss amendment would have to be reopened. The meeting should first of all take a decision on the article as a whole.

Mr. RABASA (Mexico) suggested that, since the issue was whether the limiting clause in paragraph 1 also governed paragraph 4, a vote should be taken on that question immediately.

The CHAIRMAN said that, under rule 33 of the rules of procedure, a motion could be withdrawn so long as voting had not begun, while under rule 34, once a pro-

posal had been adopted or rejected it could not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decided.

Mr. ESTABLIE (France) said that, while it was impossible to go back on a decision, if the question whether paragraph 1 should apply to the whole article were put to the vote and the meeting voted in favour, that vote would cancel the previous vote.

Mr. BANERJI (India) said he agreed with that view.

The CHAIRMAN invited the meeting first of all to vote on article 44, as a whole, as amended.

Article 44, as amended, was approved by 20 votes to none, with 7 abstentions.

Mr. von SCHENCK (Switzerland) said that he had abstained from voting, because, although Switzerland had aways co-operated with the competent international organizations in the campaign against the illicit traffic, it could not vote for an article which imposed no obligation on it, and the article did not apply to States which were not Parties.

The CHAIRMAN invited the meeting to reconsider its decision that the word " administrative " should not be included in the limiting clause as it applied to paragraph 4.

It was decided, by 19 votes to none, with 9 abstentions, that the word " administrative " should apply to paragraph 4.

The CHAIRMAN put to the vote the question whether the limiting clause, as drafted in paragraph 1, should apply to paragraph 4.

It was so decided by 19 votes to none, with 8 abstentions, that the limiting clause in paragraph 1 should apply to paragraph 4.

Mr. NIKOLIC (Yugoslavia) observed that, as matters now stood, the United Kingdom amendment no longer served any purpose.

Mr. GREEN (United Kingdom) said that he would have no objection to the deletion of the second sentence. He suggested that the matter be referred to the Drafting Committee.

It was so agreed.

The CHAIRMAN said that the Committee had now completed the task entrusted to it.

The meeting rose at 4.50 p.m.

VI. REPORTS OF THE COMMITTEES

1. Report [1] of the *Ad hoc* Committee [2] on Articles 2 and 3 of the Third Draft

The following draft text is submitted to the plenary on the understanding that, after the plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3).

Article 2. — *Substances under control*

1. Except as to measures of control which are limited to specified drugs, the drugs listed or described in schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in the following provisions:

(i) Article 30 (restriction to medical and scientific use) subject to such reservations as are made under Article 56;

(ii) Articles 27 and 28 (statistics and estimates);

(iii) Article 29 (limitation of manufacture and importation);

(iv) Articles 40, 41 and 42 (control of manufacture, internal trade and distribution and international trade);

(v) Article 46 (seizure, confiscation and destruction).

2. The drugs listed in schedule II are subject to the same measures of control as those listed in schedule I, with the exception of the following:

(i) the use of special prescription forms (Article 41, paragraph 2 (*b*));

(ii) the control of retail trade and distribution (Article 41);

(iii) the destruction of confiscated drugs (Article 46).

3. Preparations, other than those listed in schedule III, are subject to the same measures of control as the drugs which they contain.

4. Preparations listed in schedule III are exempt from all provisions of this Convention except the following:

(i) Article 27 (1) (*c*) (statistics of utilization of drugs in schedules I and II for manufacture of such preparations);

(ii) Article 28 (1) (*c*) (estimates of requirements of such drugs for the same purpose);

(iii) Article 29 (1) (*b*) (limitation of manufacture and import of drugs).

5. The drugs listed or described in schedule IV shall be listed in and subject to all measures of control applicable to drugs in schedule I, and in addition thereto a Party shall

(*a*) adopt any special measures of control as in its opinion are necessary having regard to the particularly dangerous properties of a drug so included and

(*b*) if the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare prohibit the production, manufacture and import of, trade in, possession or use of such drugs except for amounts as may be necessary for medical and scientific research only including clinical trials therewith to be conducted under or subject to the supervision and control of the Party.[3]

6. In addition to the measures of control which apply to all drugs listed in schedule I opium is subject to the provisions of Articles 31-34, the coca leaf and crude cocaine to those of Articles 36-38, and cannabis to those of Article 39.

7. The opium poppy, the coca bush, and the cannabis plant are subject to the control measures prescribed in Articles 31, 35, 36 and 39 respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of [4] drugs, such measures of supervision as may be practicable.

9. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) they ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (Article 1 (*k*)) and that the harmful substances cannot in practice be recovered; and

---

[1] Circulated as E/CONF.34/C.2/L.7.

[2] Consisting of Afghanistan, Australia, Brazil, Canada, China, Denmark, Federal Republic of Germany, France, Ghana, Haiti, Hungary, India, Iran, Israel, the Republic of Korea, Liberia, Mexico, New Zealand, the Netherlands, Pakistan, the Philippines, Poland, Rumania, Sweden, Switzerland, Tunisia, Turkey, the United Arab Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

[3] The delegations of Afghanistan, Brazil, India, Iran and Turkey would prefer a provision making the prohibition of schedule IV drugs mandatory; such a provision would, in their view, be more in keeping with the basic purpose of the proposed Convention.

[4] In article 2, paragraph 3, of the third draft (E/CN.7/AC.3/9), which forms the basis of this paragraph, the words " synthetic and other " were included here. It was decided by 18 votes to 8, with one abstention, that these three words be deleted, though the delegations of France, Hungary, India, Turkey and Yugoslavia expressed the view that they should be retained.

(*b*) they include in the statistical information (Article 27) furnished by them figures on the amount of each drug so used.[5]

10. Schedules I, II, III and IV as modified from time to time in accordance with Article 3 shall form an integral part of this Convention.[6]

Article 3. — *Changes in the Scope of Control*

1. Where a Party or the World Health Organization has information which in its view may require an amendment to any of the schedules it shall notify the Secretary-General, furnishing at the same time all relevant information.[7]

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.[8]

3. Where a notification under paragraph 2 relates to a substance not already included either in schedule I or in schedule II.

(i) all Parties shall examine in the light of the available information the possibility of the provisional application to the substance of all measures of control applicable to drugs included in schedule I;

(ii) the Commission may decide that the Parties apply provisionally to that substance such measure of control pending a finding of the World Health Organization with respect to that substance. Any such decision of the Commission shall be communicated by the Secretary-General of the United Nations to the World Health Organization and the Board and to all Parties, who shall thereupon apply such measures provisionally to the substance in question;

(iii) if the World Health Organization find that the substance is liable to similar abuse and productive of similar ill effect as the drugs listed in schedule I or schedule II or is capable of conversion into a product liable to such similar abuse and productive of such similar ill effects, it shall communicate that finding immediately to the Commission, and the Commission may thereupon decide that the substance shall be added to schedule I or II, as the case may be, and, if it so decides, shall notify its decision without delay to the Secretary-General who shall transmit it immediately to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board; and upon receipt of that notification a Party shall apply to the substance all measures of control applicable to drugs included in schedule I or schedule II, as the case may be.[9]

4. If the Commission, on the recommendation of the World Health Organization, finds, in relation to a preparation, that because of the small amount of drugs and the presence of medicinal ingredients other than drugs in recognized therapeutic proportions in that preparation, the preparation is not more liable to abuse similar to that to which drugs listed in schedule I are liable, or more productive of ill effects similar to those of which drugs listed in schedule I are productive, than are the preparations listed in schedule III, it may add that preparation to schedule III.[10]

5. If the Commission on the recommendation of the World Health Organization finds that the liability of a drug included in schedule I to abuse and to produce ill effects is particularly great and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs included in schedule IV, it shall place that drug in schedule IV.[11]

6. Except in a case to which paragraph 3 applies, the Commission, upon receipt of a notification under paragraph 2, may, upon the recommendation of the World Health Organization, amend any of the schedules in respect of the substance notified. The Commission shall notify any decision to amend any of the schedules without delay to the Secretary-General who shall transmit it immediately to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board.[12]

7. (*a*) Where a Party disagrees with a decision of the Commission to amend a schedule as provided in paragraph 3, such Party may request the Commission to review such decision providing reasons therefor with such medical and scientific evidence which shall support such reasons. The Commission shall through the Secretary-General on receipt of such request notify the Parties including the World Health Organization furnishing all relevant information and inviting the Parties including the World Health Organization, to comment thereon within a period to be fixed by the Commission, but not to exceed six months.

[5] Some delegations felt that the provisions of paragraph 9 (paragraph 4 in the third draft) were unnecessary and should be deleted on the ground that they provided for a future condition which might never arise. It was agreed that a decision on the deletion of this provision should await consideration of the amendment procedure (article 54). If a flexible amendment procedure were adopted, it might be possible to dispense with this provision. The representative of France felt that drafting of this paragraph could be improved.

[6] It was suggested that the Drafting Committee be asked to re-word this paragraph to meet the objections of some delegations to the words " an integral part of ". These delegations felt that, if the schedules formed an integral part of Convention, they could not be modified except by the action of a legislative body.

[7] This paragraph was approved unanimously. It was suggested, however, that the Drafting Committee be asked to give attention to the wording. In particular some delegations felt that it might be drafted in more stringent terms.

[8] This paragraph was approved unanimously. It was suggested, however, that the Drafting Committee be asked to give attention to the wording.

[9] This paragraph was approved by 28 votes to none, with one abstention. Some delegations suggested, however, that the Drafting Committee be asked to consider particularly the insertion, in the third line of sub-paragraph (iii) of the English text, of the word " easy " before the word " conversion ".

[10] This paragraph was approved unanimously.

[11] This paragraph was approved by 22 votes to none, with 2 abstentions.

[12] This paragraph was approved unanimously.

(*b*) The Commission following the expiration of the period so fixed shall review the request in the light of the comments so received and shall permit the Party requesting and any other Party which requests it an opportunity to be heard and the Commission shall on the basis of all of the evidence at that time before it decide whether or not to reverse its decision or review the decision so made. During the pendency of such review the decision shall remain in effect.

(*c*) If the Commission is of the opinion that the decision so made should be reviewed it shall refer the same to a body of three experts competent to deal with narcotic control problems, of whom one shall be designated by the Party appealing, one by the Commission (who shall not have been directly involved in the original decision), and the third who shall act as Chairman by the two members so designated.

(*d*) The Commission shall furnish to the said body of experts all relevant information with respect to the matter and such body shall, as soon as may be practicable, render a decision which may be by a majority of its members and the decision of the Commission shall be confirmed, amended or revoked in accordance with the decision so given and through the Secretary-General shall forthwith be communicated to all Parties.[13]

8. Decisions of the Commission taken in accordance with this Article shall not be subject to review by the Council as provided in Article 10.[14]

[*17 March 1961*]

Additional report [15] of the *Ad hoc* Committee on Articles 2 and 3 of the Third Draft

The following draft text to replace paragraphs 8 and 9 of article 3 as worded in the Drafting Committee's re-draft (E/CONF.34/15), which themselves replaced paragraphs 7 and 8 of article 3 as worded in the *ad hoc* Committee's report of 6 February (E/CONF.34/C.2/L.7) was approved unanimously by the *ad hoc* Committee and is hereby submitted to the plenary.

8. (*a*) The decisions of the Commission amending any of the schedules shall be subject to review by the Council upon the request of any Party filed within 90 days from receipt of notification of the decision. The request for review shall be filed with the Secretary-General together with all relevant information upon which the request for review is based.

(*b*) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the WHO and to all the Parties inviting them to submit comments within 90 days. All comments received shall be submitted to the Council for consideration.

(*c*) The Council may confirm, alter or reverse the decision of the Commission and the decision of the Council shall be final. Notification of the Council's decision shall be furnished to the Commission, the WHO and to all of the Parties by the Secretary-General.

(*d*) During pendency of the review the original decision of the Commission shall remain in effect.

9. Decisions of the Commission taken in accordance with this article shall not be subject to review by the Council as provided in article 10.

[*22 February 1961*]

2. Report [16] of the Technical Committee

The Technical Committee hereby transmits its reports to the Plenary. In accordance with the procedure suggested in paragraph 6 of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3), the report is presented in two parts: the Schedules and the Definitions.

The Committee felt that it could be useful to the Plenary if it prefaced its recommendations by a short introductory note outlining the criteria it used to place a drug in a particular Schedule and also the system of nomenclature adopted. These introductory comments are not to be construed as part of the Committee's recommendations.

At the request of the Indian delegation, the Committee has enumerated below the new drugs (notified by the Secretary-General in accordance with decisions taken by the World Health Organization following the recommendations made by its Expert Committee on addiction-producing drugs at its eleventh session in October 1960 [17]) which have now been included in Schedule I: clonitazene, diampromide, diphenoxylate, etonitazene, hydromorphinol, phenampromide, phenoperidine.

PART I. SCHEDULES

Introductory Comments

The main considerations which influenced the Technical Committee in placing a substance in one Schedule or another were:

(*a*) its degree of liability to abuse, and

(*b*) its risk to public health and social welfare.

In addition, when considering each substance in a Schedule for retention, deletion or transfer to another Schedule, and when considering an entirely new sub-

[13] This paragraph was approved by 21 votes to none with 5 abstentions. It was suggested that the Drafting Committee be asked to give attention to the wording. In particular, it was felt that the definition of the qualifications of the three experts referred to in sub-paragraph (*c*) should be improved.

[14] It was decided by 14 votes to none, with 14 abstentions, to postpone consideration of this paragraph until Article 10 had been considered.

[15] Originally distributed as document E/CONF.34/C.2/L.7/Add.1.

[16] Circulated as E/CONF.34/11.

[17] See WHO *Technical Report Series*, 1961, No. 211.

stance or preparation for possible inclusion in a Schedule, certain more specific indicators were adopted by the Committee.

These could, collectively, be called " criteria ", not only because they are important factors in any such discussion of substances which present a risk to health, but also because they provided a uniform basis upon which the Committee could work easily within its terms of reference.

Schedule I. — The substances in this Schedule are those:

(*a*) Having addiction-producing or addiction-sustaining properties greater than those of codeine and more or less comparable to those of morphine;

(*b*) Convertible into substances having addiction-producing or addiction-sustaining properties with an ease and yield such as to constitute a risk of abuse greater than that of codeine; or

(*c*) Having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine; or

(*d*) Convertible into substances having a liability to abuse comparable to that of cannabis, cannabis resin or cocaine.

Schedule II. — The substances in this Schedule are those:

(*a*) Having addiction-producing or addiction-sustaining properties not greater than those of codeine but at least as great as those of dextropropoxyphene; or

(*b*) Convertible into a substance having addiction-producing or addiction-sustaining properties with an ease and yield such as to constitute a risk of abuse not greater than that of codeine.

Schedule III. — In this Schedule are preparations which:

(*a*) Are intended for legitimate medical use; and

(*b*) Have a specified drug content and are compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in yield which would constitute a risk to public health.

Schedule IV. — The substances in this Schedule are those:

(*a*) Having strong addiction-producing properties or a liability to abuse not offset by therapeutic advantages which cannot be afforded by some other drug; and/or

(*b*) For which deletion from general medical practice is desirable because of the risk to public health.

Nomenclature

Common names or international non-proprietary names, where available, as well as chemical systematic names, according to the system of the International Union of Pure and Applied Chemistry, are used to describe substances included in Schedules I and II. The Technical Committee is of the opinion that international non-proprietary names should be mandatory for international trade. This does not preclude the use of other names in addition.

However, easy reference to other names and chemical designations is necessary, particularly at administrative level. The " Multilingual List of Narcotic Drugs under International Control " (E/CN.7/341) should be used in conjunction with the schedules and the frequency ot its revision should be such as to maintain its undoubted value.

Schedule I

The following drugs, however produced

Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
Allyprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Anileridine (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Benzethidine (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Benzylmorphine (3-benzylmorphine)
Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Cannabis, Cannabis Resin and other substances which may be expected to produce effects characteristically associated with Cannabis
Clonitazine (2-*para*-chlorbenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
Coco Leaf
Cocaine (Methyl ester of benzoylecgonine)
Concentrate of Poppy Straw [18] the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade
Desomorphine (Dihydrodeoxymorphine)
Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
Diampromide (N-[2-(N-methylphenethylamino) propyl] propionanilide)
Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)

[18] Poppy Straw, when it has actually entered into international commerce, is to be subject to control.

Dihydromorphine
Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
Dioxaphetyl Butyrate (ethyl-4-morpholino-2, 2-diphenylbutyrate)
Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Ecgonine, its esters and derivatives which are convertible to Ecgonine and Cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
Etonitazene (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole)
Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Heroin (Diacetylmorphine)
Hydrocodone (Dihydrocodeinone)
Hydromorphinol (14-hydroxidihydromorphine)
Hydromorphone (Dihydromorphinone)
Hydroxypethidine (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Ketobemidone (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine)
Levomethorphan [19] ((—)-3-methoxy-N-methylmorphinan)
Levomoramide ((—)-4-[2-methyl-4-oxo-3,3-di-henyl-4-(1-pyrrolidinyl) butyl] morpholine)
Levophenacylmorphan ((—)-3-hydroxy-N-phenacylmorphinan)
Levorphanol [19] ((—)-3-hydroxy-N-methylmorphinan)
Metazocine (2'hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methyldesorphine (6-methyl-delta-6-deoxymorphine)
Methyldihydromorphine (6-methyldihydromorphine)
1-methyl-4-phenylpiperidine-4-carboxylic acid
Metopon (5-methyldihydromorphinone, originally described as 7-methyldihydromorphinone)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Morphine
Morphine-Methobromide and other pentavallent nitrogen morphine derivatives
Morphine-N-oxide
Myrophine (myristylbenzylmorphine)
Nicomorphine (3,6-dinicotinylmorphine)
Norlevorphanol ((—)-3-hydroxymorphinan)
Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
Normorphine (demethylmorphine)

[19] Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and Dextrorphan ((+)-3-hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

Opium
Oxycodone (14-hydroxydihydrocodeinone)
Oxymorphone (14-hydroxydihydromorphinone)
Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Phenadoxone (6-morpholino-4,4-diphenyl-3-hentanone)
Phenampromide (N-(1-methyl-2-piperidinoethyl) propionanilide)
Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
Phenomorphan (3-hydroxy-N-phenethylmorphinan)
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
Racemorphan ((±)-3-hydroxy-N-methylmorphinan)
Thebacon (Acetyldihydrocodeinone)
Thebaine
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)

The provisions of this Schedule apply to:

(*a*) The isomers, unless specifically excepted, of all the drugs in the Schedule, whenever the existence of such isomers is possible within the specific chemical designation.

(*b*) The esters and ethers, unless appearing in another Schedule, of all the drugs in this Schedule, whenever the existence of such esters or ethers is possible.

(*c*) The salts of all the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above, whenever the existence of such salts is possible.

Schedule II

The following drugs, however produced:

Acetyldihydrocodeine
Codeine (3-methylmorphine)
Dextropropoxyphene (4-dimethylamino-3-methyl-1, 2-diphenyl-2-propionoxybutane)
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Norcodeine (N-demethylcodeine)
Pholcodine (morpholinylethylmorphine)

The provisions of this Schedule apply to:

(*a*) The isomers, unless specifically excepted, of all the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

(*b*) The salts of all the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

Schedule III

The following preparations intended for legitimate medical use:

1. Preparations of Acetyldihydrocodeine,
Codeine,
Dextropropoxyphene,
Dihydrocodeine,
Ethylmorphine,
Norcodeine, and
Pholcodine

as listed in Schedule II, subject to the following conditions:

(*a*) compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to publish health; and

(*b*) [20] containing no more than 100 mg. of the drug per unit in dose preparations and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing no more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing no more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Diphenoxylate preparations containing not more than 2.5 mg. diphenoxylate calculated as base and not less than 25 micrograms atropine sulphate per unit in solid dose preparations.

4. Pulvis Ipecacuanhae et opii compositus
10 per cent opium in powder
10 per cent Ipecacuanha root, in powder, well mixed with
80 per cent of other powdered ingredient, containing no drug within the definition of this Convention.

5. Pilulae plumbi cum opio
Lead acetate, 0.1037 grammes
Opium, 0.0156 grammes
Syrup of glucose in sufficient quantity.

6. Unguentum Gallae cum opio
7.5 per cent opium in fine powder
18.5 per cent gall finely sifted
74 per cent of any suitable ointment base, containing no drug within the definition of this Convention.

7. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug within the definition of this Convention.

[20] The delegations of India, Mexico, Turkey and Venezuela considered that the concentration and dosage level permitted were too high.

Schedule IV

The following drugs, however produced:

Cannabis and Cannabis resin
Desomorphine (Dihydrodeoxymorphine)
Heroin (Diacetylmorphine)
Ketobemodone (4-metahydroxyphenyl-1-methyl-4-propionylpiperidine)

The salts of all the drugs listed in this Schedule whenever the formation of such salts is possible.

Part II. Definitions

Cannabis Plant

The Cannabis plant is monotypic but not type specific. It grows wild in some countries.

Its cultivation when grown for the production of fibre or seed is not prohibited in the third draft of the Single Convention.

A variety of the plant grown for fibre or seed occasionally produces resin However, if the definition included a reference to " yielding resin with narcotic properties ", or similar phraseology, the decision as to whether a plant came within the terms of the Convention would depend upon a specific test which this Committee is unable to suggest.

Hence, a definition from a purely taxonomic point of view would seem appropriate. The following is recommended:

" *Cannabis plant* " *means any plant of the genus Cannabis.*

Cannabis

The following defininition is recommended:

" *Cannabis* " *means the leaves or flowering or fruiting tops of the Cannabis plant (excluding the seeds when not accompanied by other parts of the tops) from which resin has not been extracted, by whatever name they may be designated.*

Cannabis resin

The following definition is recommended:

" *Cannabis resin* " *means the separated resin, whether crude or purified, obtained from the Cannabis plant.*

Coca bush

The following definition is recommended:

" *Coca bush* " *means any species of the genus Erythroxylon whose leaf contains ecgonine, cocaine or any other ecgonine alkaloid.*

Coca leaf

The following definition is recommended:

" *Coca leaf* " *means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed.*

Crude cocaine

The following definition is recommended:

" *Crude cocaine* " *means any extract of coca leaf which can be used for the manufacture of cocaine.*

Medicinal opium

The following definition is recommended:

" *Medicinal opium* " *means opium which has undergone the processes necessary to adapt it for medicinal use.*

It was considered that the remainder of the text in the original draft was superfluous.

Opium poppy

The following definition is recommended:

" *Opium poppy* " *means plants of the species Papaver somniferum L. and any other species of Papaver which are used for the production of opium or the manufacture of opium alkaloids.*

Opium

The following definition is recommended:

" *Opium* " *means the coagulated juice of the opium poppy.*

[*Synthetic drug*]

[The following definition is recommended:

" *Synthetic drug* " *means a manufactured drug other than one derived from the opium poppy, coca bush, or cannabis plant.*]

[*13 February 1961*]

3. Report [21] of the *Ad hoc* Committee [22] on Articles 30 and 40-43 of the Third Draft

The following report is submitted to the plenary with the understanding that, after the plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3). Where there is no comment on a paragraph, it can be taken that the third draft wording (E/CN.7/AC.3/9) was considered satisfactory.

Article 30. — *Medical and Scientific Purposes*

It was the understanding of the Committee that this provision would not prevent the use of narcotics for dental and veterinary purposes; it was suggested that the Drafting Committee examine whether this was clear from the present text and whether the term " manufacture " was properly defined in Article 1 for the purposes of this provision. It was agreed that a more suitable place in the Convention might be found for this provision.

Article 40. — *Manufacture*

Paragraph 1

It was decided by 13 votes to 4, with 3 abstentions, that manufacture under licence should be mentioned before manufacture by state enterprise and that the paragraph should be reworded accordingly.

Paragraphs 2 and 2 (a)

It was agreed that the Drafting Committee be asked to amend the wording in the light of the discussion.

Paragraph 2 (c)

It was decided by 15 votes to 3, with 5 abstentions, that the words " in each of their establishments " should be deleted. It was suggested that the Drafting Committee should examine whether the proviso regarding preparations was sufficiently clear.

Paragraph 4

It was decided by 9 votes to 6, with 7 abstentions, that paragraph 4 should be deleted.

Article 41. — *Trade and Distribution*

Paragraph 1 (a)

It was decided that, as in the case of article 40, paragraph 1, operations under licence should be mentioned before operation by state enterprise. It was also suggested that the term " possession ", which appeared in article 7 of the International Opium Convention of February 1925 [23], should be re-introduced.

Sub-paragraph 1 (b) (i)

An Indian amendment (E/CONF.34/C.4/L.1) that this sub-paragraph read: " Require all persons engaged in trade in or distribution of drugs to obtain a licence for the trade in or distribution of drugs " was adopted by 17 votes to 3, with 3 abstentions.

Sub-paragraph 1 (b) (ii)

An Indian amendment for the deletion of the final clause reading " provided, however, that this requirement shall not apply to preparations " was rejected by 13 votes to 6, with 3 abstentions.

Paragraph 2 (b)

It was agreed that the first sentence, " Require medical prescriptions for the supply or dispensation of drugs

[21] Circulated as E/CONF.34/9.

[22] Consisting of Australia, Brazil, Canada, China, Congo, Denmark, Federal Republic of Germany, France, Ghana, Guatemala, Hungary, India, Indonesia, Iran, Israel, Japan, Liberia, Netherlands, New Zealand, Pakistan, Sweden, Switzerland, Turkey, Ukrainian SSR, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Venezuela.

[23] Article 7 of this Convention reads as follows : " The Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery to or possession by any unauthorized persons of the substances to which this Chapter applies.

to individuals " should be retained. An amendment by Ghana that the provision concerning counterfoil books should take the form of a recommendation was adopted by 22 votes to none, with 1 abstention.

Paragraph 3

It was agreed that the Drafting Committee be asked to find a better term than " posted bills ", the meaning of which was not clear. A French amendment that the provision for the use of international non-proprietary names should take the form of a recommendation was adopted by 17 votes to 1, with 3 abstentions. Another French amendment for the deletion of the final phrase " or, failing such communication, by the Commission " was adopted by 20 votes to none, with 3 abstentions.

Paragraph 4

It was agreed to leave to the Drafting Committee the question of the retention of paragraph 4.

Paragraph 5

A United Kingdom amendment for the deletion of paragraph 5 was adopted by 11 votes to 3, with 8 abstentions.

Paragraph 6

The principle embodied in paragraph 6 was approved by 21 votes to none, with 1 abstention. It was, however, agreed to ask the Drafting Committee to find a wording which would indicate that the provision did not apply to individual prescriptions made up by physicians.

Paragraph 7

The principle of an Indian amendment (E/CONF.34/C.4/L.1) for the replacement of the words " The provisions of paragraphs 1 to 5 shall " by the words " The provisions other than in paragraphs 1 (*a*), 1 (*b*), 3 and 6 may " was approved by 10 votes to 5, with 7 abstentions. It was agreed that the Drafting Committee should be asked to draft provisions whereby exempted preparations would be controlled at the manufacturing and wholesale level, but not at the retail level or in international trade.

Article 42. — *International Trade*

Paragraph 1

Consideration of paragraph 1 was deferred.

Paragraph 3 (a)

It was agreed that the United Kingdom amendment for the transposition of the references to state enterprise and licensing should be mentioned in the Committee's report.

Paragraph 4 (a)

It was agreed that various drafting changes suggested should be considered by the Drafting Committee.

Paragraph 5

Some delegations expressed the view that the word " substantially ", in the second sentence, should be deleted; others preferred that it should be retained on the understanding that " to adopt substantially " meant " to follow as closely as possible ". It was agreed that a suggestion that the import certificate be established by the Commission should be mentioned in the report.

Paragraph 6

A United States proposal that paragraph 6 be amended to require that consignments of narcotic drugs be accompanied by a copy of the import certificate issued by the country of destination was adopted by 10 votes to 6, with 6 abstentions.

Paragraph 8

This provision was approved after it had been explained that it was taken from the League of Nations Model Administrative Code and that the Universal Postal Union had been consulted.

Paragraph 10

Following the decision on paragraph 6, it was agreed that the words " and an import authorization " should be added after the words " export authorization " in the second line. It was also agreed that the Drafting Committee should be asked to clarify the expression " crossing any border ". It was explained that the word " seizure " denoted a provisional measure and not permanent confiscation. A French proposal for the insertion in the Convention of a recommendation in favour of the use of a double red band or some similar device on the wrapping of narcotic drugs carried across international frontiers was adopted by 12 votes to 6, with 3 abstentions. A proposal for the inclusion of a mandatory provision for the use of international non-proprietary names on the wrapping of drugs in international trade was adopted by 17 votes to 4, with one abstention.

Paragraph 11

It was suggested that the drafting would be improved if the word " transit " in the first line were replaced by some such wording as that employed in article 15, paragraph 1, of the 1925 Convention.[24]

Paragraph 14

It was suggested that the Drafting Committee be asked to consider whether emergency calls or stops by other means of transport than aircraft were covered by the Convention. It was also suggested that a reservation, as in article 15, paragraph 4, of the 1925 Convention [25]

[24] Article 15, paragraph 1, of the 1925 Convention reads : No consignment of any of the substances covered by the present Convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorization (or the diversion certificate, if such a certificate has been issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

[25] Article 15, paragraph 4, reads as follows : " 4. Paragraphs 1 to 3 of this Article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the Contracting Parties over the substance to which the present Convention applies when in direct transit."

should be made in respect of existing treaties which limited control over goods in transit, and that consideration might be given to the exemption of transport by post from the transit provisions, as in article 15, paragraph 5, of the 1925 Convention.[26]

Article 42. — *General*

Some delegations expressed the opinion that a special provision should be inserted in either article 41 or article 42 exempting narcotic drugs in ready-packed first-aid kits intended for export, for the use of ships or aircraft, from the import certificate requirement.

Article 42 *bis.* — *Special provisions concerning the carriage of drugs in first-aid kits on railway trains, ships or aircraft engaged in international traffic*

Paragraph 1

It was agreed that the square brackets round the words " in emergency cases " should be deleted and that the word " or " should be inserted before the words " in emergency cases ".

Paragraph 2

In the first sentence, it was agreed that the words " by the country of registry " and " improper use " should be retained and the word " abuse " deleted. In the second sentence, it was decided by 13 votes to 3, with 5 abstentions, that the word " consultation " be retained in preference to the word " agreement ". In the same sentence it was suggested that the organizations concerned should not be referred to by name, but by some general term such as " the appropriate organizations ".

Paragraph 3

It was agreed that, in the expression " to the right ", the word " the " should be replaced by " any ". It was also agreed that the Drafting Committee should be asked to consider whether the second sentence was out of place in the present article.

Article 43. — *Measures of Supervision and Inspection*

Paragraph 1 (a)

It was suggested that the Drafting Committee should consider the possibility of finding a better wording than " adequate qualifications " and " effective and faithful ".

Paragraph 1 (b)

A Danish proposal that the keeping of records by scientists and scientific institutions should be left to the discretion of governments, and that the relevant provision should take the form of a recommendation, was rejected by 16 votes to 5, with 1 abstention. The Japanese delegation reserved the right to raise again the question of a recommendation that doctors of medicine should be required to keep records.

---

[26] Article 15, paragraph 5, reads as follows : " 5. The provisions of this Article shall not apply to transport of the substances by post."

The Committee proposes to meet again to consider article 42, paragraph 1, to which the Indian delegation has submitted an amendment (E/CONF.34/C.4/L.1).

[17 March 1961]

Additional Report [27] of the *Ad hoc* Committee on Articles 30 and 40-43 of the Third Draft

The following additional report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3).

The Committee proposed the following text for Article 42, paragraph 1:

" Article 42. — *International Trade*

" 1. The Parties shall not knowingly permit the export of drugs to any country or territory except: [28]

" (*a*) In accordance with the laws and regulations of that country or territory; and [29]

" (*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 28, with the addition of the amounts intended to be re-exported ".[30] [31] [32] [33]

[1 March 1961]

4. First Report [34] of the *Ad hoc* Committee [35] on Articles 31-34 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary had taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in

[27] Circulated as E/CONF.34/9/Add.1.

[28] This paragraph was approved by 20 votes to 1, with 1 abstention.

[29] This sub-paragraph was approved by 20 votes to none, with 1 abstention.

[30] It was decided by 15 votes to none, with 7 abstentions, to add at the end of this paragraph the words " with the addition of the amounts intended to be re-exported."

[31] This sub-paragraph was approved by 18 votes to 1, with 3 abstentions.

[32] The paragraph as a whole was approved by 19 votes to 1, with 1 abstention.

[33] The representative of the Union of Soviet Socialist Republics asked to have his view recorded that the provisions of this paragraph were discriminatory and undesirable.

[34] Circulated as E/CONF.34/13.

[35] Consisting of Afghanistan, Bulgaria, Burma, Byelorussian SSR, Canada, China, Czechoslovakia, Dahomey, Denmark, Federal Republic of Germany, France, Hungary, India, Iran, Republic of Korea, Japan, Morocco, Netherlands, Pakistan, Poland, Switzerland, Thailand, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States and Yugoslavia.

paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the Conference (E/CONF.34/3). Where there is no comment on a paragraph, it can be taken that the third draft wording (E/CN.7/AC.3/9) was considered satisfactory.

Article 31. — *National Opium Agencies*

It was the opinion of the Committee that the provisions in Article 31 which relate to poppy straw should be replaced by provisions similar to those of Article 4 of the 1953 Protocol, with the addition that poppy straw should be made subject to the import certificate and export authorization control system.

After some discussion as to whether poppy paste should be considered as crude morphine, it was decided that it should be placed in Schedule I. It was suggested that the Technical Committee prepare a suitable definition of poppy paste.

A proposal for the insertion of the following paragraph in Article 31 was adopted unanimously:

" 1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the opium poppy the most suitable measure, in its opinion, for preventing the diversion of drugs into the illicit traffic or for protecting public health and welfare, the Party concerned shall use its best endeavours to prohibit such cultivation."

It was agreed that the Drafting Committee should reword the paragraph if they felt it was not sufficiently clear that it applied only to producing countries.

Paragraph 2 (e)

It was suggested that the Drafting Committee reconsider the word " exporting " in the light of whatever decision might be taken concerning Article 32.

Apart from the above changes, the third draft wording of Article 31 was approved.

Articles 32 and 33

Consideration of articles 32 and 33 was deferred.

Article 34. — *Disposal of confiscated opium and poppy straw*

It was decided by 24 votes to none, with 1 abstention, that Article 34 be deleted, on the understanding that the Drafting Committee would make the necessary amendments to Article 46 (Seizure and Confiscation).

[17 March 1961]

Second Report [36] of the *Ad hoc* Committee on Articles 31-34 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3).

Article 32. — *Restrictions on the international trade in opium and poppy straw*

It was decided by 19 votes to 7, with 3 abstentions, that the third draft text of Article 32 be replaced by the following:

" Article 32. — *Limitation on production of opium for international trade*

" 1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimates thereof published by the Board so that the production of opium by such Party does not result in over-production of opium in the world.

" (*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

" 2. (*a*) Subject to paragraph 1, a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding 5 tons annually it shall notify the Board, furnishing with such notification information regarding:

" (i) the controls in force as required by this Convention respecting the opium to be produced and exported; and

" (ii) the name of the country or countries to which it expects to export such opium;

and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export.[37]

" (*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce for export opium in amounts exceeding 5 tons annually, it shall notify the [38], [39] Council, furnishing with such notification relevant information including:

" (i) the estimated amounts be to produced for export;

" (ii) the controls existing or proposed respecting the opium to be produced;

" (iii) the name of the country or countries to which it expects to export such opium;

and the [38], [39] Council shall [40] either approve the notifica-

[36] Circulated as E/CONF.34/13/Add.1.

[37] An amendment for the deletion of the words " and the Board may either approve such notification or may recommend to the Party that it do not engage in the production of opium for export " was rejected by 11 votes to 10, with 2 abstentions.

[38] An amendment for the insertion before the word " Council " of the words " General Assembly or " was rejected by 10 votes to 2, with 15 abstentions.

[39] An amendment for the deletion of the words " General Assembly " wherever they appeared in paragraph 2 (*b*) was adopted by 13 votes to 1, with 15 abstentions.

[40] An amendment for the replacement of the word " shall " by the words " may after consultation with the Board " was rejected by 8 votes to 8, with 11 abstentions.

tion or may recommend to the Party that it not engage in the production of opium for export.

" 3. Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of paragraph 2, a Party that during the ten years immediately prior to the first day of January 1961 exported opium which such country produced may continue to export opium which it produces.

" 4. A Party shall not import from any country or territory except opium produced in the territory of:

" (i) a Party referred to in paragraph 3;

" (ii) a Party which has received the approval of the Board [41] as provided in sub-paragraph (*a*) of paragraph 2; or

" (iii) a Party that has received the approval of the Council as provided in sub-paragraph (*b*) of paragraph 2.

" (*b*) Notwithstanding sub-paragraph (*a*) of this paragraph, a Party may [42] import opium produced by any country which produced and exported opium during the ten [43] years prior to 1 January 1961 for export and such country has established and maintains a national control organ or agency for the purposes set out in article 31 and has in force an effective means of ensuring that the opium it produces is not diverted into illicit traffic.

" 5. The provisions of this article do not prevent a Party:

" (i) from producing opium sufficient for its own requirements; or

" (ii) which seizes opium in the illicit traffic from exporting, in accordance wity the requirements of this Convention, such opium to another Party."

Article 33. — *Limitation of stocks*

It was decided by 19 votes to 1, with 8 abstentions, that this article should be deleted, subject to the views of the Permanent Central Opium Board when the article came up for discussion in the Plenary.

[16 February 1961]

5. Report [44] of the *Ad hoc* Committee [45] on Articles 35-38 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3). Where there is no comment on a paragraph, it can be taken that the third draft wording (E/CN.7/AC.3/9) was considered satisfactory.

Article 35. — *Restrictions on the Circulation or Growing of the Coca Bush*

Paragraph 1

It was decided to recommend this paragraph for acceptance by the Conference. It was suggested, however, that the Drafting Committee consider the possibility of bringing the text more into line with the corresponding provision proposed by the United States of America in respect of the opium poppy (E/CONF.34/C.5/L.1) and recommended in an amended version by the *ad hoc* Committee on articles 31-34.

Article 36. — *National Coca Leaf Agencies*

Article 37. — *Restrictions on the International Trade in Coca Leaves and Crude Cocaine*

It was decided to recommend the replacement of the present text of these two Articles by the following:

" 1. Parties shall control the cultivation of the coca bush with a view to limiting the production of coca leaves exclusively to medical, scientific and other legitimate purposes (article 38) permitted under this convention."

" 2. The General Assembly, after consultation with Bolivia [Colombia],[46] Indonesia and Peru,[47] may adopt regulations for such control. These regulations shall be binding upon each Party which does not reject them by a notification addressed to the Secretary-General within a year from the date of their adoption by the General Assembly. The rejection may be withdrawn at any time by a notification addressed to the Secretary-General and the regulations shall thereupon become binding upon the Party concerned, but not before the end of the year mentioned above."

Article 38. — *Special Provisions Relating to Coca Leaves in General*

Paragraph 2

It was decided to recommend the addition, at the end of the paragraph, of a clause reading: " except to the extent that the same coca leaves are used for the

---

[41] An amendment for the replacement of the words " received the approval of the Board " by the words " furnished the necessary information " was rejected by 14 votes to 7, with 8 abstentions.

[42] It was agreed that the words " *aux fins d'exportation* " in the French text, should be deleted.

[43] An amendment for the deletion of the word " (five) ", after the word " ten ", was adopted without a vote.

[44] Circulated as E/CONF.34/10.

[45] Consisting of Bolivia, Brazil, Canada, China, France, Indonesia, Japan, Mexico, Netherlands, Peru, Turkey, Union of Soviet Socialist Republics and United States.

[46] It was agreed to propose the deletion of the reference to Colombia if that country so desired.

[47] The representative of the Union of Soviet Socialist Republics suggested that, instead of listing specific countries, it might be better to use some such wording as " after consultation with coca-producing countries ". The representative of the Netherlands supported the USSR suggestion.

extraction of medicinal alkaloids and the flavouring agent, and so explained in the statistical information and estimates ".

[*23 February 1961*]

6. Report [48] of the *Ad hoc* Committee [49] on Article 39 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee, which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's report on the organization of the work of the Conference (E/CONF.34/3).

Article 39. — *Prohibition of Cannabis*

It was decided to recommend the replacement of the present text of article 39 by the following:

" 1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in Article 31 respecting the control of the opium poppy.

" 2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed)."

It was generally agreed that a less stringent system of control should be provided for cannabis leaves. It was suggested that the leaves should be excluded from the definition of cannabis and dealt with in a separate article providing for the same system of control as for poppy straw.

This report is submitted on the understanding that the delegations most closely interested in the problem of cannabis leaves have undertaken to submit proposals to the Plenary, after consultation with the Deputy Executive Secretary.

[*17 March 1961*]

Additional Report [49a.] of the *Ad hoc* Committee on Articles 35-38 of the Third Draft

The following additional report is submitted to the Plenary, following reconsideration of articles 36 and 37 in accordance with the request of the Plenary at its 22nd meeting that the Committee draft a fresh text for articles 36 and 37, based on the third draft provisions of these articles (E/CN.7/AC.3/9).

Article 36. — *National Coca Leaf Agencies*

Article 37. — *Restrictions on the International Trade in Coca Leaves and Crude Cocaine*

It was decided [49b.] to recommend the replacement of the present text of these two articles by the following:

" If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in Article 31 respecting the control of the opium poppy."

It was further decided to recommend that, if paragraph 2 (*d*) of Article 31 were adopted by the Plenary in its present form, that is to say, establishing a term of four months after the end of the harvest for the Agency to take physical possession of the crop, or providing for any other specific term, Article 36 should include a proviso that, in the case of coca leaves, the Agency should take physical possession of the crop " as soon as possible " or some other phrase to the same effect.

[*6 March 1961*]

7. Report [50] of the *Ad hoc* Committee [51] on Articles 4, 20, 21 and 26-29 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3). Where there is no comment on a paragraph, it can be taken that the third draft wording (E/CN.7/AC.3/9) was considered satisfactory.

Article 4. — *Obligations of Parties*

It was suggested that, in the first line of paragraph 1, the word " all " be replaced by the word " such ". It was decided by 17 votes to 5, with 1 abstention, to recommend that paragraph 1 be incorporated in article 30 (Medical and Scientific Purposes) if that was found to be desirable, and that paragraph 2 be deleted.

Article 20. — *Administration of the Estimate System*

Paragraph 2

A proposal that consideration of this paragraph be postponed until article 48 (Languages of the Convention and Procedure for Acceptance) came to be considered

[48] Circulated as E/CONF.34/12.

[49] Consisting of Brazil, Bulgaria, Burma, Byelorussian SSR, Canada, China, Congo (Leopoldville), Costa Rica, Czechoslavakia, Dahomey, France, Ghana, Haiti, Hungary, India, Italy, Lebanon, Liberia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Panama, Poland, Senegal, Togo, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States and Yugoslavia.

[49a.] Circulated as E/CONF.34/10/Add.1.

[49b.] The decision in the case of Article 36 was adopted by 13 votes to none, with 1 abstention and in the case of Article 37, by 6 votes to 5, with 1 abstention.

[50] Circulated as E/CONF.34/14.

[51] Consisting of Australia, Brazil, Burma, Cambodia, China, Congo (Leopoldville), Czechoslovakia, Denmark, France, Federal Republic of Germany, Ghana, Hungary, India, Iran, Republic of Korea, Liberia, Morocco, Netherlands, New Zealand, Philippines, Sweden, Switzerland, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States and Uruguay.

was rejected by 16 votes to 4 with 3 abstentions. The paragraph was approved by 17 votes to 5 with 3 abstentions.

The USSR representative asked to have it put on record that his delegation would be unable to approve paragraphs 2 and 3 unless article 48 were amended.

Article 21. — *Administration of the Statistical Returns System*

Paragraph 2

The USSR representative asked to have it put on record that his comments on paragraphs 2 and 3 of article 20 also applied to the present paragraph.

Article 26. — *Information to be furnished to the Secretary-General*

Paragraph 1 (c)

It was decided by 10 votes to 1, with 9 abstentions, to recommend the addition, at the end of the paragraph, of the following words taken from Article 23 of the 1931 Convention and proposed by India (E/CONF.34/C.9/L.1): " including particulars of each case of illicit traffic discovered which may be of importance, either because of the light thrown on the source from which drugs are obtained for the illicit traffic, or because of the quantities involved or the method employed by illicit traffickers ".

Article 27. — *Statistical returns to be furnished to the Board*

Paragraph 1

It was agreed to recommend that the Drafting Committee revise the wording of this paragraph in consultation with the Secretariat and the Permanent Central Opium Board, in order to incorporate any necessary changes in the light of the Conference's decision to apply to substances in Schedule III the same measures of control as those applicable to substances in Schedule II except in the case of imports and exports. An amendment for the deletion of the words " as approved by the Commission " was adopted by 20 votes to none, with 6 abstentions.

Paragraph 1 (a)

It was decided by 9 votes to 7, with 7 abstentions, to recommend the deletion of this paragraph.

Paragraph 1 (c)

It was agreed to recommend the addition, after the words " Schedules I and II " in the first line, of the words " and of poppy straw ".

Paragraph 1 (d)

It was agreed to recommend that the term " consumption " be defined in Article 1.

Paragraph 1 (e)

It was agreed to recommend that the words " and poppy straw " be added at the end of this paragraph.

Paragraph 1 (g)

A USSR amendment (E/CONF.34/C.9/L.2) to Article 1, paragraphs (*z*) and (*n*), designed to clarify the meaning of the word " stocks " as used in the present paragraph and in Article 28, paragraph 1 (*e*), was adopted in slightly modified form to read:

(*Article 1, paragraph (z)*)

" ' Stocks ' means the stocks of a drug held in a country or territory and intended for:

" (*a*) consumption in the country or territory for medical and scientific purposes, and/or

" (*b*) utilization in the country or territory for the manufacture or preparation of drugs and other substances, and/or

" (*c*) export.

" ' Stocks ' do not include the amounts of the said drug held in the country or territory by:

" (*a*) retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions,

" (*b*) the Government of the country or territory, as ' special stocks '."

(*Article 1, paragraph (n)*)

" ' Special stocks ' means the amount of a drug held in a country or territory by the government of such country or territory for special government purposes and to meet exceptional circumstances."

It was agreed that the Drafting Committee be asked to make the necessary consequential changes in Article 1, paragraph (*m*), which was the definition of " Government purposes ".

Sub-paragraph 2 (a) (i)

It was decided by 14 votes to 1, with 8 abstentions, to recommend that the time-limit for the furnishing of statistical returns to the Board be 30 June instead of 31 March. It was agreed to include item (*g*) in the enumeration of items.

Sub-paragraph 2 (a) (ii)

It was decided to recommend the deletion of sub-paragraph 2 (*a*) (ii).

Paragraph 3

An amendment for the deletion of paragraph 3 was rejected by 17 votes to 5, with 2 abstentions.

Article 28. — *Estimates of Production and Drug Requirements*

Paragraph 1

It was decided by 20 votes to none, with 6 abstentions, to recommend the deletion of the words " as approved by the Commission ".

Paragraph 1 (a)

It was decided by 14 votes to 10, with 2 abstentions, to recommend the deletion of the first part of the paragraph, reading: " The areas (in hectares) to be cultivated

for the production of drugs;" and the final sentence reading: " Such information shall be furnished separately in respect of each region in which such cultivation is promoted ". An amendment for the deletion of the rest of the paragraph was rejected by 16 votes to none, with 9 abstentions.

Paragraph 1 (e)

See under " Article 27, paragraph 1 (*g*) " above.

Paragraph 4

It was agreed to recommend the addition, at the end of the paragraph, of the words " of the reasons for such changes ".

It was suggested that the order of Articles 27 and 28 be reversed.

Article 29. — *Limitation of Manufacture and Importation*

Paragraph 2

It was suggested that the Drafting Committee revise the wording of this paragraph in the light of the amendment adopted to Article 28, paragraph 1 (*e*).

Paragraph 4 (a)

It was suggested that the Drafting Committee consider amending the words " imports and exports " to read " imports or exports ".

Sub-paragraph 4 (b) (ii)

It was suggested that the Drafting Committee either replace the phrase " the treatment of the sick " by the phrase " for medical purposes " or add to it the words " and injured ".

[*6 March 1961*]

8. Report [52] of the *Ad hoc* Committee [53] on Article 22 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3).

Article 22. — *Measures to ensure the execution of provisions of the Convention*

It was decided to replace the third draft wording of article 22 by the following:

" 1. (*a*) *If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs and bearing on questions arising under the above-mentioned provisions* [54], the Board has reason to believe that the aims of this Convention [55] are being seriously endangered by reason of the failure of a *Party or any country or territory which not being a Party has been furnishing such estimates to the PCOB or the DSB, as also any other country or territory not being a Party which may in future furnish such information, upon being requested to do so, in accordance with Article 20 of this Convention* [56] to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties and of the Council to the matter referred to in sub-paragraph (*c*) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

" (*b*) After taking action under sub-paragraph (*a*) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

" (*c*) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (*a*) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (*b*) above, it may call the attention of the Parties, the Commission, and of the Council to the matter.

" 2. The Board, when calling the attention of the Parties, the Commission, and of the Council to a matter in accordance with paragraph 1 (*c*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, or both, from or to the country concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.[57]

" 3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or

---

[52] Circulated as E/CONF.34/16.

[53] Consisting of Australia, Bulgaria, Byelorussian SSR, Cambodia, China, Congo (Leopoldville), Czechoslovakia, Dahomey, Denmark, Federal Republic of Germany, Finland, France, Ghana, Hungary, India, Iran, Israel, Japan, Republic of Korea, Liberia, Mexico, Morocco, Netherlands, New Zealand, Poland, Sweden, Switzerland, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States and Yugoslavia.

[54] The words underlined were adopted by 20 votes to none, with 6 abstentions.

[55] The representative of the Federal Republic of Germany suggested that the Drafting Committee might consider rewording the phrase " the aims of this Convention ", which struck him as too vague.

[56] It was decided by 11 votes to 10, with 7 abstentions, to insert the words underlined, which had been proposed by India as an amendment to a USSR amendment, in place of the words " country or territory ".

[57] The representative of Greece withdrew his amendment which had been intended to enable any State, in the event of an epidemic, to supply drugs to the State in respect of which the embargo had been imposed.

any information relating thereto, it shall also publish therein the views of the Government concerned [58] if the latter so requests.

" 4. If in any case the decision of the Board under sub-paragraph 1 (*c*) of this article is not unanimous, the views of the minority shall be stated.

" 5. Any country shall be invited to be represented at a meeting of the Board at which a question directly interesting it is concerned.

" 6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board ".[59]

[*11 March 1961*]

9. Report [60] the *Ad hoc* Committee [61] on Articles 7, 10, 11, 13-16, 19 and 23 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3). Where there is no comment on a paragraph, it can be taken that the third draft wording (E/CN.7/AC.3/9) was considered satisfactory.

Article 7. — *Constitutional Position and Continuity of Function*

It was decided by 17 votes to 5, with one abstention, that article 7 be deleted, but on the understanding that article 5 was amended to read: [62]

" Article 5. — *The International Control Organs*

" The Parties, recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust to the Commission on Narcotic Drugs of the Economic and Social Council and to the International Narcotics Control Board, the functions respectively assigned to them under this Convention. " [63]

Article 10. — *Decisions and Recommendations*

Paragraph 1

The following re-draft of paragraph 1 was adopted unanimously:

" 1. Subject to the special procedure provided in article 3, paragraph 7, of this Convention, each decision or condition adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendations of the Commission.

Paragraph 2

It was decided by 16 votes to none, with 5 abstentions, that paragraph 2 be deleted.

Article 11. — *Functions of the Commission*

It was agreed that the word " shall " in the first line of the article be replaced by the words " is authorized to ".

Paragraph (a)

It was agreed that the words " changes in the " be inserted between the words " determine " and the words " the composition ".

Paragraph (b)

It was agreed that a decision on this paragraph be deferred until article 54 had been discussed.

Sub-paragraph (c) (i)

It was decided by 13 votes to 3, with 8 abstentions, that this sub-paragraph be deleted.

Sub-paragraph (c) (ii)

It was agreed that it be left to the Drafting Committee to decide whether the substance of the sub-paragraph should be included elsewhere in the Convention, possibly in articles 27 and 28, or whether the sub-paragraph should be retained in its present position.

Paragraph (d)

It was decided that this paragraph be deleted.

Paragraphs (f) and (g)

It was agreed that these two paragraphs be combined in the following wording:

" May make such recommendations as it may consider useful for the implementation of the aims and provisions of this Convention; and, in particular, may recommend programmes of scientific research and exchanges of information of a scientific or technical nature."

---

[58] The PCOB representative pointed out that it followed from the Committee's decision, that, if the Board made a report to the Council, it would also publish the views of the Government concerned, if the latter so requested, but that that would apply only to the Government in respect of which a sanction was recommended by the Board. By contrast, under article 24 of the 1925 Convention, the Board's report referred not only to that State, but also to the States which were not willing to act upon this recommendation. He asked that that point be brought to the notice of the Drafting Committee.

[59] It was considered that, if article 16 (Rules of Procedure) were amended to this effect, the Drafting Committee might consider deleting paragraph 6.

[60] Circulated as E/CONF.34/17.

[61] Consisting of Afghanistan, Australia, Bolivia, Brazil, Canada, China, Czechoslavakia, Federal Republic of Germany, Finland, France, Ghana, Hungary, India, Indonesia, Iran, Republic of Korea, Liberia, Mexico, Morocco, the Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, Union of Soveit Socialist Republics, United Kingdom, United States and Yugoslavia.

[62] The Mexican representative asked to have his view recorded that whatever commission was called upon to fulfil the functions of the Commission on Narcotic Drugs should be invested with the authority which only the Convention could confer.

[63] This wording was proposed by the Chairman of the Drafting Committee and approved by 16 votes to none, with 6 abstentions.

Paragraph (h)

It was decided that this paragraph be deleted.

Paragraph (i)

It was agreed that this paragraph be referred to the Drafting Committee.

Paragraph (j)

It was decided by 21 votes to none, with 5 abstentions, that this paragraph be deleted.

Article 13. — *Composition of the Board*

Paragraph 1

An amendment to replace the figure " nine " by the figure " eleven " was adopted by 20 votes to 1, with 4 abstentions.

Paragraph 1 (a)

An amendment to replace the words " two " and " three " by the words " three " and " five " respectively was adopted by 16 votes to 1, with 7 abstentions.

Paragraph 1 (b)

An amendment to replace the word " seven " by the word " eight " was adopted.

Paragraph 2

It was decided by 22 votes to none, with 3 abstentions, that this paragraph be deleted.

Paragraph 3

An amendment to replace the word " agreement " by the word " consultation " was adopted by 23 votes to none, with 1 abstention. It was agreed that the Drafting Committee be asked to amend the wording of the last sentence to conform with article 20 of the 1925 Convention and to ensure that it was consistent in all language versions, particularly as regards the words " technical independence ".

Paragraph 4

An amendment to insert the words " bearing in mind the principle of equitable geographical distribution " after the word " Council " was adopted by 24 votes to none, with 1 abstention.[64]

Article 14. — *Terms of Office (of the Board)*

Paragraph 1

An amendment to replace the word " five " by the word " three " was adopted.

Paragraph 2

It was suggested that the Drafting Committee consider whether the word " duly " in the expression " duly elected successor " was redundant.

Paragraph 3

An amendment to reword the paragraph to read: " A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned " was adopted by 9 votes to none, with 10 abstentions.

Paragraph 4

It was decided that the words " by a three-fourths majority and " be deleted, that the words " for membership " be replaced by the words " by paragraph 3 of article 13 " and that a further sentence be added reading: " Such recommendation shall be made by an affirmative vote of eight members of the Board."

Paragraph 5

It was agreed that this paragraph be reworded to read as follows:

> " Where a vacancy occurs on the Board during the term of office of a member of the Board, the Council shall, as soon as possible, and in accordance with the applicable provisions of article 13, fill such vacancy by electing another member for the remainder of the term."

Article 15. — *Privileges, Immunities and Remuneration (of the Board)*

Paragraphs 1 and 2

It was decided that these two paragraphs be deleted.

Paragraph 3

Amendments were adopted to delete the words " on the recommendation of the Council " and to add this paragraph at the end of article 14, the title of which would then be amended to read: " terms of office and remuneration ".

Article 16. — *Rules of Procedure (of the Board)*

Paragraph 1

It was generally agreed that the term " other officers " did not include the secretary or treasurer but only the vice-president or rapporteur. A proposal that a president be allowed to serve for two consecutive terms and be eligible for a further term after a suitable interval was rejected by 10 votes to 9, with 4 abstentions. An amendment for the addition of a paragraph 3 reading: " 3. The quorum necessary for meetings of the Board shall be seven members " was adopted by 14 votes to none, with 7 abstentions.

Article 19. — *Functions of the Board*

It was decided that this article be deleted.

[64] A Turkish amendment to replace paragraph 4 by the following wording was rejected by 14 votes to 1, with 8 abstentions :

" The Council in the election of the seven members of the Board mentioned in paragraph 1 (*b*) of this Article shall take into consideration that this Board must include three representatives of producing countries, three representatives of manufacturing countries and one representative of consuming countries possessing knowledge of the worldwide situation of narcotics. "

Article 23. — *Reports (of the Board) to the Council and Parties*

Paragraph 1

Amendments were adopted for the deletion of the words " in respect of each country or territory for the preceding year ", and for the addition of the words " and recommendations " after the word " observations ". It was suggested that the Drafting Committee might find a better wording than " unless considered unnecessary ".

Paragraph 2

It was understood that the publication referred to in the first sentence would be by the United Nations. It was suggested that in the second sentence the word " undertake " be replaced by the word " shall ". An amendment for the deletion of the second sentence was rejected by 12 votes to 6, with 3 abstentions.

[16 March 1961]

10. Report [65] of the *Ad hoc* Committee [66] on Articles 44-46 of the Third Draft

The following report on articles 45 and 46 is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraphs 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3). A report on article 44 will be submitted later.

It was decided to replace the third draft wording of articles 45 and 46 by the following:

Article 45. — *Penal Provisions*

1. Subject to their constitutional limitations, the Parties shall [67] adopt such measures as will ensure that:

" Cultivation, production, manufacture [68] [69] extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs and any other action which in the opinion of the Parties may be [70] contrary to the provisions of this Convention: shall be punishable offences when committed intentionally [71] and that serious offences shall be liable to adequate [72] punishment particularly by imprisonment or other penalties of deprivation of liberty.[73]

" 2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

" (*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

" (ii) Intentional participation in, conspiracy to commit, and attempts to commit any of such offences [74] preparatory acts and financial operations in connexion therewith shall be punishable offences as provided in paragraph 1; [75] [76]

" (iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism;

" (iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been convicted and punished.[77]

" (*b*) It is desirable [78] that the serious [79] offences referred to in paragraph 1 and sub-paragraph (ii) of paragraph (*a*) be included as extradition crimes in any extradition treaty which has been

---

[65] Circulated as E/CONF.34/19.

[66] Consisting of Australia, Brazil, Canada, Chile, China, Congo (Leopoldville), Denmark, France, Germany, India, Indonesia, Iran, Japan, Korea, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Poland, Sweden, Switzerland, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States, Venezuela and Yugoslavia.

[67] An amendment for the replacement of the third draft wording " undertake to " by the word " shall " was adopted by 6 votes to 3, with 9 abstentions.

[68] An amendment for the inclusion, after the word " manufacture " of the words " including the making of preparations " was rejected by 3 votes to 2, with 19 abstentions.

[69] An amendment for the addition to the list of the word " conversion " was rejected by 4 votes to 2, with 20 abstentions.

[70] An amendment for the insertion, after the word " drugs ", of the words " any other action which in the opinion of the Parties may be " was adopted by 14 votes to 2, with 5 abstentions.

[71] An amendment for the insertion of the words " when committed intentionally " was adopted by 12 votes to 3, with 4 abstentions.

[72] An amendment for the replacement of the third draft wording " severe" by the word " adequate " was adopted by 9 votes to 8, with 3 abstentions.

[73] An amendment for the deletion of the words " particularly by imprisonment or other penalties of deprivation of liberty " was rejected by 14 votes to 1, with 5 abstentions.

[74] An amendment to transfer the words " conspiracy to commit, and attempts to commit any of such offences " from paragraph 2 to paragraph 1 was rejected by 12 votes to 6, with 10 abstentions.

[75] An amendment for the insertion of the words " and the financial operations concerned with the acts herein mentioned " was adopted by 18 votes to 2, with 3 abstentions. It was decided by 12 votes to 11, with 3 abstentions that this new phrase should be placed in paragraph 2 and not in paragraph 1.

[76] An amendment for the insertion of a provision reading " Whoever causes an offence punishable under this article to be committed by adopting financial operations concerned with the offences mentioned in paragraph 1 (*a*) and paragraph 2 (*a*) (ii), or otherwise, shall be punished with punishment provided for the offence ", was rejected by 16 votes to 1, with 11 abstentions.

[77] This paragraph was adopted by 17 votes to 2, with 8 abstentions.

[78] An amendment for the insertion at the beginning of this sub-paragraph of the words " It is desirable ", and the deletion of the words " shall be deemed to " before the words " be included ", was adopted by 12 votes to 9, with 4 abstentions.

[79] An amendment for the insertion of the word " serious " before the word " offences " was adopted by 7 votes to none, with 18 abstentions.

or may hereafter be concluded between any of the Parties and shall as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

" 3. Nothing contained in this article shall be prejudicial to the provisions of the criminal law of a contracting Party on points of jurisdiction.[80]

" 4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party ".[81]

" Article 46. — *Seizure and Confiscation*

" Any drugs, substances and equipment [82] intended for the Commission of any of the offences, referred to in article 45, shall be liable to seizure and confiscation. " [83] [84]

[*17 March 1961*]

11. Report [85] of the Joint *Ad hoc* Committee [86] on Articles 25 and 44 of the Third Draft

The following report is submitted to the Plenary with the understanding that, after the Plenary has taken its decision on the substance, it will be referred to the Drafting Committee which will draw up a definitive text, in accordance with the procedure suggested in paragraph 14 (*a*) and (*b*) of the Secretary-General's note on the organization of the work of the conference (E/CONF.34/3).

Two amendments combining articles 25 and 44 in a single text were discussed at length but eventually rejected in favour of separate texts as follows:

" Article 25. — *Special Administration*

" The Parties shall maintain a special administration [87] for the purpose of applying the provisions of this Convention ".[88]

" Article 44. — *International Co-operation* [89]

" 1. The Parties shall assist each other in the campaign against the illicit traffic in narcotic drugs, having due regard to their constitutional, legal and administrative systems. [90] [91] [92]

" 2. The Parties shall co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic.[93]

" 3. (*a*) The Parties shall make arrangements at the national level for co-ordination of preventive and [94] repressive action against the illicit traffic. To this end they may usefully designate an appropriate [95] agency responsible for such co-ordination.

" (*b*) International co-operation between the appropriate [96] agencies shall [97] be conducted in 98 [98] an expeditious manner.

" 4. Where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal shall be effected in an expeditious manner to the bodies designated by the Parties. This requirement shall be without prejudice to the right of a Party to require that legal papers shall be sent to it through the diplomatic channel." [98]

---

[80] This paragraph, which was a Chilean amendment, was adopted by 4 votes to 3, with 20 abstentions. It was agreed that the English and French versions should be brought into line with the Spanish original (E/CONF.34/L.13).

[81] The article as a whole was adopted by 21 votes to none, with 4 abstentions.

[82] The Drafting Committee was asked to ensure that the wording of this article covered drugs, substances and equipment actually used in the commission of offences and that the Spanish and French versions of the article were brought into line with the English.

[83] An amendment for the deletion of paragraph 2 of the third draft text was adopted by 14 votes to 4, with 10 abstentions.

[84] The article as a whole was adopted by 24 votes to none.

[85] Circulated as E/CONF.34/20.

[86] Consisting of Australia, Brazil, Canada, Chile, China, Congo (Leopoldville), Denmark, Federal Republic of Germany, France, Ghana, Guatemala, Hungary, India, Indonesia, Iran, Israel, Japan, Korea, Liberia, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Sweden, Switzerland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States, Venezuela, and Yugoslavia.

[87] It was understood that the term " special administration " did not mean a single administration. The Committee took note of the explanation in the Secretariat Note entitled " National Control Organs " (E/CN.4/L.18) that the " Special Administration " provided for in the 1931 Convention " does not need to be a single authority for all the purposes mentioned in the article ".

[88] The precise wording of the article was left to the Drafting Committee on the understanding that the third draft text, the United Kingdom's text (E/CONF.34/C.4/L.4/Rev.1) and the French text (E/CONF.34/C.13/L.1/Rev.1), would all be taken into account.

[89] It was suggested that the title be reworded in view of the fact that the article includes provisions for national as well as international co-operation.

[90] An amendment for the deletion of this paragraph was rejected by 21 votes to 1, with 1 abstention.

[91] An amendment for the deletion of the clause " having due regard to their constitutional, legal and administrative systems " was rejected by 12 votes to 4, with 7 abstentions.

[92] After a protracted discussion, it was decided that the limiting clause " having due regard to their constitutional, legal and administrative systems " should govern all the provisions of this article.

[93] This paragraph was approved unanimously.

[94] An amendment for the insertion of the words " preventive and " was adopted by 15 votes to 3, with 7 abstentions.

[95] An amendment for the replacement of the word " enforcement " by the word " appropriate " was adopted by 16 votes to 3, with 7 abstentions.

[96] It was left to the Drafting Committee to decide whether the word " shall " was preferable to the word " must ".

[97] An amendment for the replacement of the words " in the most expeditious manner " by the words " in an expeditious manner " was adopted by 17 votes to none, with 11 abstentions.

[98] This paragraph was adopted by 10 votes to none, with 19 abstentions.

VII. — REPORT OF THE DRAFTING COMMITTEE

[E/CONF.34/15]
[*6 March 1961*]
[*Original: English/French*]

REDRAFT OF THE SINGLE CONVENTION

Articles 2, 3, 30, 40, 41, 42 and 42 *bis* [1]

Article 2. — *Substances under control*

1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule 1 are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in the following provisions:

(i) Article ... (...);
(ii) Articles ... and... (...);
(iii) Article ... (...);
(iv) Articles ... ... and ... (...);
(v) Article ... (...).

2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in the following provisions:

(i) Article ... (...);
(ii) Article ... (...);
(iii) Article ... (...).

3. Preparations, other than those in Schedule III are subject to the same measures of control as the drugs which they contain.[2]

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except:...

5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter schedule, and in addition thereto:

(*a*) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and

(*b*) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of Articles ... ..., the coca leaf and crude cocaine to those of Articles ... ..., and cannabis to those of Article. ...

7. The opium poppy, the coca bush, the cannabis plant [poppy straw and cannabis leaves] are subject to the control measures prescribed in Articles ... and ... respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.

[9.[3] Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) they ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (Article 1 (*k*)) and that the harmful substances cannot in practice be recovered; and

(*b*) they include in the statistical information (Article 27) furnished by them the amount of each drug so used.]

[10.[4] Schedules I, II, III and IV as modified from time to time in accordance with Article 3 shall form an integral part of this Convention.]

Article 3. — *Changes in the Scope of Control*

1. Where a Party or the World Health Organization has information which in its opinion may require an amendment to any of the Schedules, it shall notify the Secretary-General and furnish him with the information in support of the notification.

---

[1] Adopted by the Drafting Committee at its first to ninth meetings. In this and subsequent sections of the report, the numbers of articles are the numbers of articles of the third draft except in the case of new articles.

[2] As articles 27 and 28 have not yet been discussed by the Plenary, the Drafting Committee deferred its decision on the following addition to paragraph 3 of this article proposed by the United Kingdom : " ... except that nothing in article 27, paragraph 1 (*c*) or 28, paragraph 1 (*c*) shall apply in relation to the manufacture of such preparations."

[3] The text of this paragraph was approved by the Drafting Committee. It will be recalled, however, that consideration of this paragraph was postponed by the Plenary until after the amendment procedure was decided on.

[4] The Drafting Committee suggests the inclusion of the following definition in article 1, hereby permitting the deletion of paragraph 10 of article 2 :

" 'Schedule I', 'Schedule II', 'Schedule III' and 'Schedule IV' means the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3." (E/CONF.34/C.6/L.6).

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

3. Where a notification relates to a substance not already in Schedule I or in Schedule II,

(i) the Parties shall examine in the light of the available information the possibility of the provisional application to the substance to all measures of control applicable to drugs in Schedule I;

(ii) pending its decision as provided in sub-paragraph (iii) of this paragraph, the Commission may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question.

(iii) if the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I or Schedule II.

4. If the World Health Organization finds that a preparation because of the substances which it contains is not liable to abuse and cannot produce ill effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may, in accordance with the recommendation of the World Health Organization, add that preparation to Schedule III.

5. If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

6. Where a notification relates to a drug already in Schedule I or Schedule II or to a preparation in Schedule III, the Commission, apart from the measure provided for in paragraph 5, may, in accordance with the recommendation of the World Health Organization, amend any of the Schedules, by:

(*a*) transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; or

(*b*) deleting a drug or a preparation as the case may be, from a Schedule.

7. Any decision of the Commission taken pursuant to this Article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon [5] take such action as may be required under this Convention.

[8.[6] (*a*) Where a Party disagrees with a decision of the Commission to amend a Schedule as provided in paragraphs 3-6, it may request the Commission to review the decision, stating its reasons. The Secretary-General on receipt of such request shall notify the Parties and the World Health Organization of the request and the reasons and invite them to comment thereon within a period to be fixed by the Secretary-General, but not to exceed six months.

(*b*) The Commission following the expiration of the period so fixed shall review the request in the light of the comments so received and shall permit the Party requesting and any other Party which requests it an opportunity to be heard and the Commission on the basis of all of the evidence at that time before it may modify its decision or review it as hereinafter provided. During the pendency of such review the decision shall remain in effect.

(*c*) If the Commission is of the opinion that the decision so made should be reviewed it shall refer the same to a body of three experts competent to deal with the technical aspects involved. One expert shall be designated by the requesting Party and one by the Commission who shall not have been directly involved in the original decision. These two members shall designate the third member who shall act as Chairman.

(*d*) The Commission shall furnish to the experts all relevant information with respect to the matter and they shall, as soon as may be practicable, render a decision to be adopted by majority and the decision of the Commission shall be confirmed, amended or revoked in accordance with the decision so given and the Secretary-General shall forthwith communicate it to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board.

9. Decisions of the Commission taken in accordance with this Article shall not be subject to review by the Council as provided in Article 10.]

Article 30. — *Medical and Scientific Purposes* [7]

Subject to the provisions of this Convention, the Parties shall limit exclusively to medical [8] and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

Article 40. — *Manufacture*

1. The Parties shall require that the manufacture of drugs be under licence except where such manufacture is carried out by a State enterprise or State enterprises.

[5] It was understood by the Drafting Committee that the term " thereupon " in this context meant " as rapidly as possible ".

[6] It will be recalled that a decision on paragraphs 8 and 9 (formerly paragraphs 7 and 9 in document E/CONF.34/C.6/L.2 and paragraphs 7 and 8 in document E/CONF.34/C.2/L.7) was deferred by the Plenary until the consideration of article 10.

[7] In agreement with the wish expressed by the *ad hoc* Committee on articles 30 and 40-43 (E/CONF.34/9) the Drafting Committee suggests that at a later stage a more suitable place within the Convention should be sought for this provision.

[8] The Drafting Committee was of opinion that the term " medical " in this context covered veterinary and dental purposes as well.

2. The Parties shall:

(*a*) Control all persons and enterprises carrying on or engaged in the manufacture of drugs;

(*b*) Control under licence the establishments and premises in which such manufacture may [9] take place; and

(*c*) Require that licensed manufactures of drugs obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture. A periodical permit, however, need not be required for preparations.

3. The Parties shall prevent the accumulation, in the possession of drug manufacturers, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

Article 41. — *Trade and distribution*

1. (*a*) The Parties shall require that the trade in and distribution of drugs be under licence except where such trade or distribution is carried out by a State enterprise or State enterprises.

(*b*) The Parties shall:

(i) Control all persons and enterprises carrying on or engaged in the trade in or distribution of drugs;

(ii) Control under licence the establishments and premises in which such trade or distribution may take place. The requirement of licensing need not apply to preparations.

(*c*) The provisions of sub-paragraphs (*a*) and (*b*) relating to licensing need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

2. The Parties shall also:

(*a*) Prevent the accumulation in the possession of traders, distributors, State enterprises or duly authorized persons referred to above, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

(*b*) (i) Require medical prescriptions for the supply or dispensation of drugs to individuals. This requirement need not apply to such drugs as individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions.

(ii) If the Parties deem these measures necessary or desirable, require that prescriptions for drugs in Schedule I should be written on official forms to be issued in the form of counterfoil books by the competent governmental authorities or by authorized professional associations.

3. It is desirable that Parties require that written or printed offers of drugs, advertisements of every kind or descriptive literature relating to drugs, used for commercial purposes, interior wrappings of packages containing drugs, and labels under which drugs are offered for sale indicate the international non-proprietary name communicated by the World Health Organization. [10]

4. If a Party considers such measure necessary or desirable, it shall require that the inner package or wrapping thereof, containing a drug shall bear a clearly visible double red band. The exterior wrapping of the package in which such drug is contained shall not bear a double red band.

5. A Party shall require that the label under which a drug is offered for sale show the exact drug content by weight or percentage. This requirement of label information need not apply to a drug or preparation dispensed to an individual on medical prescription.

6. The provisions of paragraphs 2 and 5 need not apply to the retail trade in or retail distribution of drugs in Schedule II.

Article 42. — *Special provisions concerning International Trade*

[1. The Parties shall not knowingly permit the export of drugs to any country or territory except:

(*a*) In accordance with the laws and regulations of that country or territory; and

(*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 28.] [11]

2. The Party shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. The Parties shall:

(*a*) control under licence the import and export of drugs except where such import or export is carried out by a State enterprise or enterprises.

(*b*) control all persons and enterprises carrying on or engaged in such import or export.

4. (*a*) Every Party permitting the import or export of drugs shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more drugs.

(*b*) Such authorization shall state the name of the drug, the international non-proprietary name if any, the quantity to be imported or exported, the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected.

(*c*) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

[9] The Drafting Committee was of opinion that the term " may " in this context meant " is permitted to ".

[10] The Drafting Committee agreed on the deletion of paragraph 4 of article 41 of the Third Draft (E/CN.7/AC.3/9) since it only described an unquestioned right, particularly in view of the fact that the provisions of paragraph 3 of this article were now recommendatory in nature.

[11] The Plenary did not take any express decision on the proposal of the *ad hoc* Committee on Articles 30 and 40-43 to defer consideration of article 42, paragraph 1 (E/CONF.34/9 and E/CONF.3/4SR.16).

(*d*) The import authorization may allow an importation in more than one consignment.

5. Before issuing an export authorization the Party shall require an import certificate, issued by the competent authorities of the importing country or territory, certifying that the importation of the drug or drugs referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization. The Parties shall follow, as closely as may be practicable, the form of import certificate approved by the Commission.

6. A copy of the export authorization shall accompany each consignment and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

7. (*a*) The Government of the importing country or territory, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country or territory.

(*b*) The endorsement shall specify the amount actually imported.

(*c*) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a Party other than the Party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the Government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.

10. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

11. A Party shall not permit any drugs consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such consignment is produced to the competent authorities of such Party.

12. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7 (*a*) and (*b*) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

13. No consignment of drugs while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the drugs in question. The packing may not be altered without the permission of the competent authorities.

14. The provisions of paragraph 11 to 13 relating to the passage of drugs through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, the provisions thereof shall be applied so far as circumstances require.

15. The provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over drugs in transit.[12]

16. Nothing in this Article other than paragraphs 1 (*a*) and 2 need apply in the case of preparations in Schedule III.

Re-draft of Article 42 *bis*

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF DRUGS IN FIRST-AID KITS OF RAILWAY TRAINS, SHIPS OR AIRCRAFT ENGAGED IN INTERNATIONAL TRAFFIC

1. The international carriage by railway trains, ships or aircraft of such limited amounts of drugs as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Convention.

2. Appropriate safeguards should be taken by the country of registry to prevent the improper use of the drugs referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Drugs carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of Article 41, paragraph 2 (*b*) (i).

---

[12] The representative of Switzerland suggested that the words, " or being imported or exported ", be added at the end of paragraph 15.

[E/CONF.34/15/Add.1]
[*7 March 1961*]
[*Original: English/French*]

Articles 43, 5, 6, 12, 24 and 39 [13]

Article 43. — *Measures of Supervision and Inspection*

The Parties shall require:

(*a*) That all persons who obtain licences as provided in accordance with the provisions of this Convention or who have managerial or supervisory positions in a State enterprise established in accordance with this Convention, shall have adequate qualifications [14] for the effective and faithful implementation of the provisions of such laws and regulations as are enacted thereto:

(*b*) That governmental authorities, manufacturers, traders, scientists, scientific institutions [15] and hospitals keep such records as will show the quantities of each drug manufactured and of each individual acquisition and disposal of drugs. Such records shall respectively be preserved for a period of not less than two years. Where counterfoil books (article 41, 2 (*b*)) official prescriptions are used, such books including the counterfoils shall also be kept for a period of not less than two years.

Article 5. — *The International Control Organs*

The Parties recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust the following international organs with the functions assigned to them under this Convention: (*a*) the International Narcotics Commission; and (*b*) the International Narcotics Control Board.

Article 6. — *Expenses of the International Control Organs*

The expenses of the Commission and the Board will be borne by the United Nations in such a manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly shall find equitable and assess from time to time after consultation with the Governments of these Parties.

Articles 12 and 24.[16] — *Secretariat*

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General.

Article 39. — *Control of Cannabis*

1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 31 respecting the control of the opium poppy.

2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed).

3. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.[17]

[E/CONF.34/15/Add.2]
[*7 March 1961*]
[*Original: English/French*]

Articles 47, 35 and 38 [18]

Article 47. — *Treatment of Drug Addicts*

1. The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.[19]

2. If a Party has a serious problem of drug addiction and its economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts.

Article 35. — *Restrictions on the Cultivation or Growing of the Coca Bush*

1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the coca bush the most suitable measure, in its opinion, for protecting the public health and welfare or for preventing the diversion of coca leaves into the illicit traffic the Party concerned shall prohibit such cultivation.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy these plants if they are illegally cultivated.

Article 38. — *Special Provisions relating to Coca Leaves in General*

1. The Parties may permit the use of coca leaves for the preparations of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately statistical information (article 27) on, and estimates (article 28) of

---

[13] Adopted by the Drafting Committee as its tenth meeting.

[14] It was understood by the Drafting Committee that the term " qualifications " in this context covered both technical and moral qualifications.

[15] It was agreed that the term " scientific institutions " in this context covered the whole field, including research and educational institutions, such as universities.

[16] It was agreed that an article containing this text should be inserted at a suitable place within the Convention, preferably after article 23, to replace both articles 12 and 24.

[17] It was agreed to recommend that the leaves of the cannabis plant be not included in the definition of cannabis.

[18] Adopted by the Drafting Committee at its eleventh meeting.

[19] The Drafting Committee was of the opinion that the term " medical treatment " referred to necessary therapeutic treatment and that the term " care and rehabilitation " was to be understood in its broadest sense.

requirements of coca leaves for preparation of the flavouring agent, except to the extent that the same coca leaves are used for the extraction of alkaloids and the flavouring agent, and so explained in the statistical information and estimates.

[E/CONF.34/21]
[*20 March 1961*]
[*Original: English/French*]

Articles 2-6, 10-16, 20-24, 26-30, 35, 38-42, 42 *bis*, 42 *ter* 43 and 47 [20]

Article 2. — *Substances under control*

1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in the following provisions:

(i) Article ... (...);

(ii) Articles ... and ... (...);

(iii) Article ... (...);

(iv) Articles ..... and ... (...); and

(v) Article ... (...).

2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in the following provisions:

(i) Article ... (...);

(ii) Article ... (...);

(iii) Article ... (...).

3. Preparations, other than those in Schedule III are subject to the same measures of control as the drugs which they contain.[21]

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except: ...[21]

5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter schedule, and in addition thereto:

(*a*) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and

(*b*) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of articles ... ..., the coca leaf and crude cocaine to those of articles ... ..., and cannabis to those of article ... .

7. The opium poppy, the coca bush, the cannabis plant [poppy straw and cannabis leaves] are subject to the control measures prescribed in articles ... and ... respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.

[9.[22] Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) they ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (article 1 (*k*)) and that the harmful substances cannot in practice be recovered; and

(*b*) they include in the statistical information (article 27) furnished by them the amount of each drug so used.]

[10.[23] Schedules I, II, III and IV as modified from time to time in accordance with article 3 shall form an integral part of this Convention.]

Article 3. — *Changes in the Scope of Control*

1. Where a Party or the World Health Organization has information which in its opinion may require an amendment to any of the Schedules, it shall notify the

---

[20] This document is a consolidation of the work of the Drafting Committee at its first to sixteenth meetings.

[21] The Plenary decided (E/CONF.34/SR.28 and E/CONF.34/14) that any consequential changes that may have to be inserted in the light of the decision of the Conference to apply to preparations in Schedule III the same measures of control as those applicable to drugs in Schedule II except for imports and exports, should be made. In this connexion the following drafting suggestion has been introduced by the representative of the United Kingdom:

Article 2

Add at end of paragraph 3:

" except that nothing in article 27, paragraph 1 (*b*) or (*c*), or 28, paragraph 1 (*c*) shall apply in relation to the manufacture of such preparations."

Add at end of paragraph 4:

" (*a*) that nothing in article 27, paragraph 1 (*b*), (*d*), (*e*), (*f*) or (*g*) or 28, paragraph (*b*), (*d*) or (*e*) shall apply in respect of preparations in Schedule III and, ...".

[22] The text of this paragraph was approved by the Drafting Committee. It will be recalled, however, that consideration of this paragraph was postponed by the Plenary until after the amendment procedure was decided on.

[23] The Drafting Committee suggests the following definition to be included in article 1, which would permit the deletion of paragraph 10 of article 2:

" ' Schedule I ,' ' Schedule II ', ' Schedule III ' and ' Schedule IV ' mean the correspondingly numbered lists of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3." (E/CONF.34/C.6/L.6).

Secretary-General and furnish him with the information in support of the notification.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

3. Where a notification relates to a substance not already in Schedule I or in Schedule II,

(i) the Parties shall examine in the light of the available information the possibility of the provisional application to the substance to all measures of control applicable to drugs in Schedule I;

(ii) pending its decision as provided in sub-paragraph (iii) of this paragraph, the Commission may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question;

(iii) if the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I or Schedule II.

4. If the World Health Organization finds that a preparation because of the substances which it contains is not liable to abuse and cannot produce ill effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may, in accordance with the recommendation of the World Health Organization, add that preparation to Schedule III.

5. If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

6. Where a notification relates to a drug already in Schedule I or Schedule II or to a preparation in Schedule III, the Commission, apart from the measure provided for in paragraph 5, may, in accordance with the recommendation of the World Health Organization, amend any of the Schedules, by:

(*a*) transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; or

(*b*) deleting a drug or a preparation as the case may be, from a Schedule.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon [24] take such action as may be required under this Convention.

[8. (*a*) The decisions of the Commission amending any of the Schedules shall be subject to review by the Council upon the request of any Party filed within 90 days from receipt of notification of the decision. The request for review shall be filed with the Secretary-General together with all relevant information upon which the request for review is based;

(*b*) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the WHO and to all the Parties inviting them to submit comments within 90 days. All comments received shall be submitted to the Council for consideration;

(*c*) The Council may confirm, alter or reverse the decision of the Commission and the decision of the Council shall be final. Notification of the Council's decision shall be furnished to the Commission, the WHO and to all of the Parties by the Secretary-General;

(*d*) During pendency of the review the original decision of the Commission shall remain in effect.

9. Decisions of the Commission taken in accordance with this article shall not be subject to review by the Council as provided in article 10.] [25]

Article 4 [26]. — *Obligations of Parties*

1. The Parties shall take such legislative and administrative measures as may be necessary:

(*a*) to give effect to and carry out the provisions of this Convention within their own territories, and

(*b*) to co-operate with other States in the execution of the provisions of this Convention, and

(*c*) subject to the provisions of this Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.[27]

Article 5 [28] *The International Control Organs*

Same title, text and number as in the Convention as adopted.

Article 6. — *Expenses of the International Control Organs*

Same title, text and number as in the Convention as adopted.

[24] It was understood by the Drafting Committee that the term " thereupon " in this context meant " as rapidly as possible ".

[25] The *ad hoc* Committee on articles 2 and 3 (E/CONF.34/C.2/L.7/Add.1) recommended the text reproduced here for paragraphs 8 and 9, which has not yet been adopted by the Plenary.

[26] Article 4 replaces articles 4 and 30 of the Third Draft.

[27] The Drafting Committee was of the opinion that the term " medical " in this context covered veterinary and dental purposes as well.

[28] This text, in accordance with the decision of the Plenary on the report of the *ad hoc* Committee on articles 7, 10, 11, 13-16, 19 and 23 (E/CONF.34/17), replaces the text of article 5 as given in document E/CONF.34/15/Add.1.

Articles 7, 8 and 9 *(deleted)*

Article 10. — *Review of decisions and recommendations*

Subject to the special procedure provided in article 3, paragraph 7, of this Convention, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendations of the Commission.

Article 11. — *Functions of the Commission*

The Commission is authorized to consider all matters pertaining to the aims of this Convention, and in particular:

(*a*) to amend the schedules in accordance with article 3;

[(*b*) (i) to consider what changes may be required in this Convention;

(ii) to prepare draft instruments; and

(iii) to select the amendment procedure and adopt amendments to this Convention in accordance with article 5.] [29]

[(*c*) On the recommendation of the Board, to amend the list of items in respect of which Parties are required to furnish the estimates and statistics in accordance with articles 27 and 28.] [30]

(*d*) to call the attention of the Board to any matters which may be relevant to the functions of the Board;

(*e*) to make recommendations for the implementation of the aims and provisions of this Convention, including programmes of scientific research and the exchange of information of a scientific or technical nature;

(*f*) to draw the attention of States which are not Parties to decisions and recommendations which it adopts in pursuance of its functions under this Convention, with a view to their considering taking action in accordance therewith.

Article 12. — *Secretariat*

This article has been combined with article 24 (see below).

THE BOARD

Article 13. — *Composition*

1. The Board shall consist of eleven members to be elected by the Council as follows:

(*a*) three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(*b*) eight members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be such persons as, by their competence, impartiality and disinterestedness, will command general confidence, and during their term of office shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions under this Convention.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.[31]

Article 14. — *Terms of Office and Remuneration*

1. The members of the Board shall serve for a period of three years and be eligible for re-election.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.

3. A member of the Board who has failed to attend there consecutive sessions shall be deemed to have resigned.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 3 of article 13. Such recommendation shall be made by an affirmative vote of eight members of the Board.

5. Where a vacancy occurs on the Board during the term of office of a member of the Board, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 13, by electing another member for the remainder of the term.

6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

Article 15. — *Privileges, Immunities and Remuneration*

Paragraphs 1 and 2 of article 15 of the Third Draft (E/CN.7/AC.3/9) were deleted. Paragraph 3 was adopted as paragraph 6 of article 14 of this document.

Article 16. — *Rules of Procedure*

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.

2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

[29] Consideration of this sub-paragraph was deferred until after article 54 has been considered by the Plenary.

[30] Final decision on this paragraph was deferred.

[31] The representative of Turkey declared that this text did not correspond to the decisions of the Plenary because it used the phrase " connected with such countries " instead of " nationals of such countries ".

3. The quorum necessary at meetings of the Board shall consist of seven members.

Articles 17, 18 and 19 (*deleted*)

Article 20. — *Administration of the Estimate System*

1. The Board shall fix the date or dates by which, and the manner in which, the estimates as provided in article 28 shall be furnished and shall prescribe the use of forms therefor.

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions hereof.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board, in establishing such estimates, shall, to the extent practicable, do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it may consider necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board shall, as expeditiously as possible, confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates.

6. In addition to the reports mentioned in article 23, the Board shall, at such times as it shall determine, but at least annually, issue such information on the estimates as in its opinion will facilitate the implementation of this Convention.

Article 21. — *Administration of the Statistical Returns System*

1. The Board shall determine the manner and form in which statistical returns shall be furnished as provided in article 27 and shall prescribe the forms therefor.

2. The Board shall examine the returns with a view to determining whether a Party or any other State has complied [32] with the provisions of this Convention.[33]

3. The Board may require such further information as it may consider necessary to complete or explain the information contained in these statistical returns.

4. It shall not be within the competence of the Board to question or express an opinion on statistical information respecting drugs required for special purposes.

[32] At the request of the representative of the Union of Soviet Socialist Republics, the Drafting Committee drew attention to the opinion expressed by the Legal Adviser that " complied " was here with respect to non-Parties in another sense than its usual used one, but that the meaning was clear.

[33] The Drafting Committee noted that the Draft Convention does not expressly provide for authority for the Board to invite non-Parties to furnish statistical returns, though such authority may be implied by this paragraph.

Article 22. — *Measures to ensure the execution of provisions of the Convention* [34]

Same text as in article 14 of the Convention as adopted, where the title, however, is changed to " Measures by the Board to ensure the execution of provision of the Convention ".

Article 23. — *Reports to the Council and Parties*

Same text as in article 15 of the Convention as adopted, where the title, however, is changed to " Reports of the Board ".

Article 24. — *Secretariat*

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General.[35]

Article 26. — *Information to be furnished to the Secretary-General*

Same text as in article 18 of the Convention as adopted, where the title, however, is changed to " Information to be furnished by Parties to the Secretary-General ".

Article 28. — *Estimates of production and Drug requirements* [36]

Same text as in article 19 of the Convention as adopted, where the title, however, is changed to " Estimates of drug requirements ".

Article 27. — *Statistical returns to be furnished to the Board* [36]

Same title and text as in article 20 of the Convention as adopted.

Article 29. — *Limitation of Manufacture and Importation* [37] [38]

Same title and text as in article 21 of the Convention as adopted, except that references to articles 27 and 28 become references to articles 20 and 19.

Article 30. — *Medical and Scientific Purposes*

The contents of this article of the Third Draft have been included in article 4 (see above).

[34] The representative of the Union of Soviet Socialist Republics stated that the drafting of the provision in the first sentence of paragraph 1 (*a*) was not legally correct with respect to a non-Party. See also footnote 32 above.

[35] This article also replaces article 12 of the Third Draft.

[36] The Drafting Committee proposes to reverse the order of articles 27 and 28 of the Third Draft, in accordance with the suggestion of the *ad hoc* Committee on articles 4, 20-21 and 26-29 (E/CONF.34/14).

[37] The representative of the Netherlands suggested that a provision with the following text should be included in article 29 :

" The Parties shall not authorize any export to a country or territory in respect of which the Board has not established or confirmed an estimate in accordance with article 20 ".

[38] It is the understanding of the Drafting Committee that when the estimates for a country or territory do not include figures for a particular drug, this denotes the absence of a need for that drug and not the absence of a limit.

Article 35. — *Restrictions on the Cultivation or Growing of the Coca Bush*

1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the coca bush the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of coca leaves into the illicit traffic, the Party concerned shall prohibit such cultivation.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy these plants if they are illegally cultivated.

Article 38. — *Special Provisions Relating to Coca Leaves in General*

1. The Parties may permit the use of coca leaves for the preparation of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately statistical information (article 27), on and estimates (article 28) of requirements of coca leaves for preparation of the flavouring agent, except to the extent that the same coca leaves are used for the extraction of alkaloids and the flavouring agent, and so explained in the statistical information and estimates.

Article 39. — *Control of Cannabis*

1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of cannabis and cannabis resin into the illicit traffic, the Party concerned shall prohibit such cultivation.[39]

2. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 31 respecting the control of the opium poppy.

3. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.

4. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.[40]

Article 40. — *Manufacture*[41]

Same title and text as in article 29 of the Convention as adopted.

[39] The Plenary decided that this provision should apply to cannabis, but left the decision as to its placing in the Convention to the Drafting Committee.

[40] It was agreed to recommend that the leaves of the cannabis plant be not included in the definition of cannabis.

[41] The Drafting Committee was of the opinion that the term " may " in paragraph 2 (*a*) meant " is permitted to ".

Article 41. — *Trade and distribution*[42]

Same title and text as in article 30 of the Convention as adopted.

Article 42. — *International trade*[43][44]

Same text as in article 31 of the Convention as adopted, where the title, however, is changed to " Special provisions relating to international trade " and the reference to article 28 becomes a reference to article 19.

Article 42 *bis*. — *Special Provisions Concerning the Carriage of Drugs in First-Aid Kits of Railway Trains, Ships or Aircraft Engaged in International Traffic*

1. The international carriage by railway trains, ships or aircraft of such limited amounts of drugs as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Convention.

2. Appropriate safeguards should be taken by the country of registry to prevent the improper use of the drugs referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Drugs carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of article 41, paragraph 2 (*b*) (i).

Article 42 *ter*. — *Possession of drugs*

Same title and text as in article 33 of the Convention as adopted.

Article 43. — *Measures of Supervision and Inspection*[45][46]

Same title and text as in article 34 of the Convention as adopted, except that the reference to article 41 becomes a reference to article 30.

[42] The Drafting Committee agreed that paragraph 4 of article 41 of the Third Draft should be deleted since it only described an unquestioned right, particularly in view of the fact that the provisions of paragraph 3 of this article were now recommendatory in nature.

[43] Paragraph 1, which is taken from the second report of the *ad hoc* Committee on articles 30 and 40-43 (E/CONF.34/9/Add.1), was adopted later.

[44] The representative of Switzerland suggested that the words, " or being imported or exported ", be added at the end of paragraph 15.

[45] It was understood by the Drafting Committee that the term " qualifications " in paragraph (*a*) covered both technical and moral qualifications.

[46] It was agreed that the term " scientific institutions " in paragraph (*b*) covered the whole field, including research and educational institutions, such as universities.

Article 47. — *Treatment of Drug Addicts* [47]

Same title and text as in article 38 of the Convention as adopted.

[E/CONF.34/21/Corr.1]
[*23 March 1961*]
[*Original: English*]

Articles 2, 3, 4, 5, 6, 10, 11, 13, 14, 16, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 35, 38, 39, 40, 41, 42, 42 *bis*, 42 *ter*, 43 and 47

CORRIGENDUM TO DOCUMENT E/CONF.34/21 [48]

1. Delete the square brackets round article 2, paragraph 9.[49]

2. Delete article 2, paragraph 10.[50]

3. The definition suggested in footnote 4 to article 2, viz. " 'Schedule I', 'Schedule II', 'Schedule III' and 'Schedule IV' mean the correspondingly numbered lists of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3." should be included in article 1.[51]

4. Delete article 11, paragraph (*b*).[52]

5. Delete article 11, paragraph (*c*).[53]

6. Delete the square brackets round article 42, paragraph 1.[54]

7. Delete the words " railway trains " in the title and in paragraph 1 of article 42 *bis*.[55]

[E/CONF.34/21/Corr.2]
[*24 March 1961*]
[*Original: English*]

Article 10

CORRIGENDUM TO DOCUMENT E/CONF.34/21

Delete the words " Subject to the special procedure provided in article 3, paragraph 7 of this Convention " and replace by the following: " Except for decisions under article 3 ".

---

[47] The Drafting Committee was of the opinion that the term " medical treatment " referred to necessary therapeutic treatment and that the term " care and rehabilitation " was to be understood in its broadest sense.

[48] This document reproduces decisions taken at the thirty-ninth Plenary meeting on 23 March 1961.

[49] This decision was taken by 38 votes to 1, with 5 abstentions.

[50] This decision was taken by 18 votes to 11, with 17 abstentions.

[51] This decision was taken unanimously.

[52] This decision was taken by 31 votes to none, with 10 abstentions.

[53] This decision was taken by 27 votes to 1, with 16 abstentions.

[54] This decision was taken by 28 votes to 8, with 3 abstentions.

[55] This decision was taken by 29 votes to 1, with 11 abstentions. The paragraph as a whole was approved by 36 votes to none, with 5 abstentions.

[E/CONF.34/21/Add.1]
[*22 March 1961*]
[*Original: English/French*]

Articles 25, 31, 32, 34 *bis*, 36, 44 and 46

Article 25. — *Special Administration*

The Parties shall maintain a special administration for the purpose of applying the provisions of this Convention.[56]

Article 31. — *National Opium Agencies*

1. Whenever the prevailing conditions in a country or territory of a Party render the prohibition of the cultivation of the opium poppy the most suitable measure in its opinion, for preventing the diversion of drugs into the illicit traffic or for protecting public health and welfare, the Party concerned shall use its best endeavours to prohibit such cultivation.

2. A Party that permits the cultivation of the opium poppy for the production of opium shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

3. Each such Party shall apply the following provisions to the cultivation of the opium poppy for the production of opium and to opium:

(*a*) The Agency shall designate the areas in which, and the plots of land on which cultivation of the opium poppy for the purpose of producing opium shall be permitted;

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation;

(*c*) Each licence shall specify the extent of the land on which the cultivation is permitted;

(*d*) All cultivators of the opium poppy shall be required to deliver their total crops of opium to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than four months after the end of the harvest;

(*e*) The Agency shall, in respect of opium, have the exclusive right of importing, exporting, wholesale trading, and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium, or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

4. The governmental functions referred to in paragraph 3 shall be discharged by a single government agency if the Constitution of the Party concerned permits it.

---

[56] The Drafting Committee points out that, according to the Conference records, the term " special administration " has only a general import and does not necessarily imply a single authority. In view of the clarity of the Conference records on this point, the Drafting Committee does not consider it necessary to clarify the term " special administration " in the Treaty itself.

Article 32. — *Limitation on Production of Opium for International Trade*

1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimates thereof published by the Board so that the production of opium by such Party does not result in over-production of opium in the world.

(*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

2. (*a*) Subject to paragraph 1, a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding 5 tons annually it shall notify the Board, furnishing with such notification information regarding:

(i) the controls in force as required by this Convention respecting the opium to be produced and exported; and

(ii) the name of the country or countries to which it expects to export such opium;

and the Board may either approve such notification or may recommend to the Party that it should not engage in the production of opium for export.

(*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce for export opium in amounts exceeding 5 tons annually, it shall notify the Council, furnishing with such notification relevant information including:

(i) the estimated amounts to be produced for export;

(ii) the controls existing or proposed respecting the opium to be produced;

(iii) the name of the country or countries to which it expects to export such opium;

and the Council shall either approve the notification or may recommend to the Party that it not engage in the production of opium for export.

3. Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of paragraph 2, a Party that during the ten years immediately prior to the first day of January 1961 exported opium which such country produced may continue to export opium which it produces.

4. (*a*) A Party shall not import opium from any country or territory except opium produced in the territory of:

(i) a Party referred to in paragraph 3;

(ii) a Party that has notified the Board as provided in sub-paragraph (*a*) of paragraph 2; or

(iii) a Party that has received the approval of the Council as provided in sub-paragraph (*b*) of paragraph 2.

(*b*) Notwithstanding sub-paragraph (*a*) of this paragraph, a Party may import opium produced by any country which produced and exported opium during the ten years prior to 1 January 1961 for export and such country has established and maintains a national control organ or agency for the purposes set out in article 31 and has in force an effective means of ensuring that the opium it produces is not diverted into illicit traffic.

5. The provisions of this article do not prevent a Party:

(i) from producing opium sufficient for its own requirements; or

[(ii) that seizes opium in the illicit traffic, from exporting, in accordance with the requirements of this Convention, such opium to another Party.]

[(ii) from exporting opium seized in the illicit traffic to another Party in accordance with the requirements of this Convention.] [57]

Articles 33 and 34 (*deleted*)

Article 34 *bis*. — *Control of poppy straw*

Same title and text as in article 25 of the Convention as adopted, except that the reference to article 42, paragraphs 3-16, becomes a reference to article 31, paragraphs 4-15, and the reference to article 27 becomes a reference to article 20.

Article 36 (*replacing articles 36 and 37 of the Third Draft*)

If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in article 31 respecting the control of the opium poppy. The maximum period of four months provided for in paragraph 3 (*d*) of that article need not apply.

Article 44. — *Action against the illicit traffic*

Same title and text as in article 35 of the Convention as adopted.

Article 46. — *Seizure and Confiscation*

Any drugs, substances and equipment used in or intended for the commission of any of the offences, referred to in article 45, shall be liable to seizure and confiscation.

[E/CONF.34/21/Add.2 and Corr.1]

[*22 March 1961*]

[*Original: English/French*]

Articles 45, 48, 49 and 50 [58]

Article 45. — *Penal Provisions*

Same title and text as in article 36 of the Convention as adopted.

[57] It was the understanding of the Drafting Committee that it was the intention of the Conference to accord opium seized in the illicit traffic the same treatment in international trade as would be given to opium produced in the countries referred to in paragraph 4. Paragraph 5 (ii) should, therefore, read as in the second alternative above.

[58] Adopted by the Drafting Committee at its eighteenth meeting

Article 48. — *Languages of the Convention and Procedure for Ratification and Accession*

Same title and text as in article 40 of the Convention as adopted.

Article 49. — *Entry into Force*

1. This Convention shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 48.

2. In respect of any other State depositing an instrument of ratification or accession after the date on which the requirements laid down in paragraph 1 for the entry into force of the Convention have been fulfilled, this Convention shall come into force on the thirtieth day after the deposit by the State of its instrument of ratification or accession.

Article 50. — *Territorial Application*

Same title and text as in article 42 of the Convention as adopted.

[E/CONF.34/21/Add.3]
[*22 March 1961*]
[*Original: English/French*]

Articles 2, 50 *bis*, 52, 53, 54 and 55 [59]

Article 2

The following amendment was adopted by the Drafting Committee on the suggestion of the representatives of the United Kingdom and the Permanent Central Opium Board:

Replace footnote 2 to document E/CONF.34/21 by the following:

Article 2

Add at the end of paragraph 3: " but estimates (article 28) and statistics (article 27) distinct from those dealing with these drugs shall not be required in the case of such preparations."

Add at the end of paragraph 4: " except that for the purpose of estimates (article 28) and statistics (article 27) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations."

Article 50 *bis*. — *Territories for the purposes of articles 27, 28, 29 and 42*

Same title and text as in article 43 of the Convention as adopted, except that references to articles 27, 28, 29 and 42 become references to articles 19, 20, 21 and 31.

[59] Adopted by the Drafting Committee at its nineteenth meeting.

Article 52. — *Transitional provisions*

Same title and text as in article 45 of the Convention as adopted, except that references to articles 49 and 51 become references to articles 41 and 44.

Article 53. — *Denunciation*

Same title and text as in article 46 of the Convention as adopted, except that references to article 49 become references to article 41.

Article 54. — *Amendments* [60]

Same title and text as in article 47 of the Convention as adopted.

Article 55. — *Disputes*

Same title and text as in article 48 of the Convention as adopted.

[E/CONF.34/21/Add.4]
[*23 March 1961*]
[*Original: English/French*]

Preamble and articles 1, 51, 55 *bis*, 56 and 57 [61]

Preamble

The Parties,

Concerned with the health and welfare of mankind,

Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

Conscious of their duty to prevent and combat this evil,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives,

Acknowledging the competence of the United Nations in the field of narcotics control and desirous that the international organs concerned should be within the framework of that Organization,

[60] Paragraph 1 (*a*) deals only with the procedure provided for in paragraph 4 of Article 62 of the Charter. The Drafting Committee wishes to point out that nothing in article 54 is intended to or can possibly affect the power of the Council under paragraph 3 of Article 64 of the Charter to submit draft conventions to the General Assembly.

[61] Adopted by the Drafting Committee at its twentieth and twenty-first meetings.

Desiring to conclude a generally acceptable international convention replacing the existing narcotic treaties, limiting narcotic drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives,

Hereby agree as follows:

Article 1. — *Definitions*

1. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(*a*) " Board " means the International Narcotics Control Board.

(*b*) " Cannabis plant " means any plant of the genus Cannabis.

(*c*) " Cannabis " means the flowering or fruiting tops of the Cannabis plant (excluding the seeds and leaves when not accompanied by other parts of the tops) from which resin has not been extracted, by whatever name they many be designated.

(*d*) " Cannabis resin " means the separated resin, whether crude or purified, obtained from the Cannabis plant.

(*e*) " Coca bush " means the plant of any species of the genus Erythroxylon whose leaf contains ecgonine, cocaine or any other ecgonine alkaloid.

(*f*) " Coca leaf " means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed.

(*g*) " Commission " means the Commission on Narcotic Drugs of the Council.

(*h*) " Council " means the Economic and Social Council of the United Nations.

(*i*) " Cultivation " includes the act of growing the opium poppy, coca bush and cannabis plant.

(*j*) " Drug " means any of the substances in Schedules I and II, whether natural or synthetic.

(*k*) " General Assembly " means the General Assembly of the United Nations.

(*l*) " Special stocks " means the amounts of a drug held in a country or territory by the Government of such country or territory for special Government purposes and to meet exceptional circumstances; and the expression " special purposes " shall be construed accordingly.

(*m*) " Illicit traffic " means the cultivation or trafficking in drugs contrary to the provisions of this Convention.

(*n*) " Import " and " export " mean in their respective connotations the physical transfer of drugs from one State to another State, or from one territory to another territory of the same State.

(*o*) " Manufacture " means all processes, other than production, by which drugs may be obtained and includes refining as well as the transformation of drugs into other drugs.

(*p*) " Opium poppy " means the plant of the species Papaver somniferum L. and of any other species of Papaver which is used for the production of opium or the manufacture of opium alkaloids.

(*q*) " Opium " means the coagulated juice of the opium poppy.

(*r*) " Poppy straw " means all parts (except the seeds) of the opium poppy, after mowing.

(*s*) " Preparation " means a mixture, solid or liquid, containing a drug.

(*t*) " Production " means the separation of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.

(*u*) " Secretary-General " means the Secretary-General of the United Nations.

(*v*) " Stocks " means the stocks of a drug held in a country or territory and intended for:

(i) consumption in the country or territory for medical and scientific purposes, and/or

(ii) utilisation in the country or territory for the manufacture and preparation of drugs and other substances, and/or

(iii) export.

" Stocks " do not include the amounts of the said drug held in the country or territory by:

(i) retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions,

(ii) the Government of the country or territory, as " special stocks ".

(*w*) " Territory " means any part of a State which is treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 42. This definition shall not apply to the term " territory " as used in article 50.

2. For the purposes of this Convention a drug shall be regarded as consumed when it has been supplied to any person or enterprise for retail distribution, medical use or scientific research; and " consumption " shall be construed accordingly.

Article 55 *bis*. — *Transitional reservations* [62]

Same title and text as in article 49 of the Convention as adopted except that references to articles 50, 49, 26 and 27 become references to articles 42, 41, 18 and 20 respectively.

Article 56. — *Other reservations*

1. No reservations other than those made in accordance with article 55 *bis* or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention: article 20, paragraphs 2 and 3; article 21, paragraph 2; article 22, paragraphs 1 and 2; article 42, paragraph 1 (*b*), and article 55.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 1 of this article or with article 55 *bis* may inform the Secretary-General of such intention. If by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been accepted by two-thirds of the States that have ratified or acceded to this Convention before the end of this period, it shall be deemed to be permitted, [it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation].[63]

---

[62] A text more literally in accordance with the decision of the Plenary, which however the Drafting Committee does not recommend, would read as follows, and would replace the words " on 1 January 1964 " at the end of paragraph 2 (*c*) :

" . . . the date on which this Convention enters into force for the Party concerned or on 1 January 1964, whichever is the later. "

[63] The majority of the Drafting Committee were of the opinion that the words in square brackets could usefully be deleted.

Article 57 (*Deleted*) [64]

In witness thereof, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments:

Done at ... this ... day of ... 1961 in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be delivered to all the Members of the United Nations and to the other States referred to in article 48, paragraph 1.

[E/CONF.34/21/Add.4/Corr.1]
[*24 March 1961*]
[*Original: English*]

Corrigendum to document E/CONF.34/21/Add.4

Article 1. — *Definitions*

1. Paragraph 1 (*c*), delete the words " other parts of ".

2. Paragraph 1 (*e*), delete the words " whose leaf contains ecgonine, cocaine or any other ecgonine alkaloid ".

3. Paragraph 1 (*p*), delete the words " and of any other species of Papaver which is used for the production of opium or the manufacture of opium alkaloids ".

Article 56. — *Other Reservations*

Add the following paragraph:

" 4. A State which has made reservations may at any moment by notification in writing withdraw all or part of its reservations."

[E/CONF.34/21/Add.4/Corr.2]
[*24 March 1961*]
[*Original: English/French*]

Corrigendum to document E/CONF.34/21/Add.4

Article 1. — *Definitions*

1. After paragraph 1 (*o*), insert a new paragraph 1 (*o*) *bis* as follows:

" (*o*) *bis* ' Medicinal opium ' means opium which has undergone the processes necessary to adapt it for medicinal use."

2. After sub-paragraph (*t*), insert a new paragraph 1 (*t*) *bis* as follows:

" (*t*) *bis* 'Schedule I', 'Schedule II', 'Schedule III' and ' Schedule IV ' mean the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3."

Article 56. — *Reservations*

In paragraph 3, replace the words " paragraph 1 " by the words " paragraph 2 ".

[E/CONF.34/21/Add.4/Corr.3]
[*24 March 1961*]
[*English/French/Russian only*]

Corrigendum to document E/CONF.34/21/Add.4

Article 1. — *Definitions*

In paragraph 1 (*i*), replace the words " includes the act of growing " by the words " means the cultivation of ".

[E/CONF.34/21/Add.5]
[*24 March 1961*]
[*Original: English*]

Articles 47 *bis* and 51 [65]

Article 47 *bis*

Same text as in article 39 of the Convention as adopted, where the article is given the title of " Application of stricter national control measures than those required by this Convention ".

Article 51. — *Termination of previous international treaties*

Same title and text as in article 44 of the Convention as adopted, except that the reference to article 45 becomes a reference of article 36.

[E/CONF.34/21/Add.8]
[*25 March 1961*]
[*Original: English*]

Article 29 *bis*. — *Special Provision applicable to Cultivation*

Same title and text as in article 22 of the Convention as adopted.

[64] The representative of the Netherlands on the Drafting Committee expressed the opinion that this article should not be deleted but read as follows:

Article 57. — *Notifications*

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 48:

(*a*) signatures, ratifications and accessions in accordance with article 48;

(*b*) the date upon which this Convention enters into force in accordance with article 49;

(*c*) denunciations in accordance with article 53;

(*d*) declarations and notifications under articles 50, 54 and 56.

[65] Adopted by the Drafting Committee at its twenty-second meeting.

[E/CONF.34/21/Add.6]
[*24 March 1961*]
[*Original: English/French*]

Schedules

Same titles and text as in the Schedules as adopted except that, in the latter, in Schedule I, the explanation of " Concentrate of Poppy Straw " includes at the end the additional words " when such material is made available in trade ", and to the names " Levomethorphan " and " Levorphanol " there is a footnote reading: " Dextromethorphan ((+)-3-methoxy-N-methyl-morphinan) and dextrorphan ((+)-3-Hydroxy-N-methylmorphinan) are specifically excluded from this Schedule ".

VIII. — DRAFT RESOLUTIONS

[E/CONF.34/L.25]
[*10 March 1961*]
[*Original: English*]

Turkey: draft resolution on Technical Assistance in Narcotics Control

The Conference recommends:

The increase in the number of experts dealing with narcotics; the establishment of six-month courses open to elements of the National Security Departments in order to teach new methods and techniques in combating smugglers. The Technical Assistance Fund of the United Nations to provide such sums to the International Narcotic Commission for the establishment of such courses.

[E/CONF.34/L.24]
[*10 March 1961*]
[*Original: English*]

Turkey: draft resolution on an International Illicit Traffickers Record Office

The Conference recommends:

The formation of an " International Illicit Traffickers Record Office " which will be attached to the Commission on Narcotic Drugs and which will transmit regularly to Interpol and other parties the identifications and photographs of all condemned illicit traffickers.

[E/CONF.34/L.27]
[*13 March 1961*]
[*Original: English*]

United States of America: draft resolution on the treatment of drug addicts

The Conference,

Recalling the provisions of article 47 of the Convention concerning the treatment and rehabilitation of drug addicts,

Declares that one of the most effective methods of treatment for addiction is civil commitment in a hospital institution having a drug-free atmosphere;

Urges Parties having a serious drug addiction problem, and the economic means to do so, to provide such facilities.

[E/CONF.34/L.25/Rev.1]
[*24 March 1961*]
[*Original: English*]

Drafting Committee: draft resolution on technical assistance on narcotic drugs

The Conference,

Welcoming the establishment by General Assembly resolutions 1395 (XIV) of special arrangements for technical assistance in the field of narcotics control,

Noting that the United Nations and the specialized agencies concerned have already provided a limited amount of assistance under the Expanded Programme of Technical Assistance and in their regular programmes,

Welcoming also the co-operation of the International Criminal Police Organization in the execution of technical assistance projects,

Expresses the hope that adequate resources will be made available to provide assistance in the fight against the illicit traffic, to those countries which desire and request it, particularly in the form of expert advisers and of training, including training courses for national officials.

[E/CONF.34/L.32]
[*17 March 1961*]
[*Original: English*]

Turkey: draft resolution on illicit traffickers

The Conference

Calls attention to the importance of the technical records on international traffickers kept at present by the competent international bodies.

Recommends that these records be completed as much as possible by all parties and be widely used for the circulation of description of the professional traffickers by the competent international bodies.

[E/CONF.34/L.38 and Corr.1]
[*21 March 1961*]
[*Original: Spanish*]

Brazil, France, Turkey, United Arab Republic, Venezuela, and Yugoslavia: draft resolution on control of barbiturates

The Conference,

Recalling resolution VI of the Commission on Narcotic Drugs, adopted at the Commission's twelfth session,

Considering the social danger and the danger to public health arising from the abuse of barbiturates, as reported by the World Health Organization,

Recommends

1. That the Parties should take appropriate measures to place the production, distribution and use of such drugs under strict control;

2. That the competent organs of the United Nations and the World Health Organization should examine the necessity and the possibility of adopting adequate measures for the international control of such drugs.

[E/CONF.34/L.37]
[*20 March 1961*]
[*Original: English*]

Afghanistan: draft resolution on membership of the Commission on Narcotic Drugs

The Conference,

Considering that the Commission on Narcotic Drugs will have important functions, applicable to members of the United Nations and non-members alike, under the terms of the consolitated Convention on Narcotic Drugs,

Taking into account that the membership of the United Nations has greatly increased since the regulation by the Economic and Social Council of the composition of the Commission in Economic and Social Council resolutions 9 (I) and 199 (VIII),

Invites the Economic and Social Council to consider as soon as possible the terms of reference of the Commission as laid down in these resolutions with a view to increasing the membership of the Commission and to adjusting the conditions of membership to the changed circumstances.

[E/CONF.34/L.40]
[*21 March 1961*]
[*Original: English*]

Switzerland: draft resolution on membership of the Commission on Narcotic Drugs

The Conference,

Referring to Resolution 1/9. of 16 February 1946 and 199 (VIII) of 2 March 1949 of the Council,

Noting that the Commission on Narcotic Drugs is a functional organ entrusted by the Convention with its application and that its decisions will impose obligations on *all* Parties to the Convention,

Bearing in mind Article 6 of the Convention by which an equitable financial contribution to the Commission on Narcotic Drugs is required from Parties to the Convention who are not members of the United Nations,

Considering that the exclusion of such Parties to the Convention from the possibility of becoming members on the Commission on Narcotic Drugs would constitute an unjustified discrimination;

Recognizing that all Parties to the Convention should be subject to equal rights and obligations,

Invites the Council to examine the [possibility] of amending its resolution 1/9. of 16 February 1946 and 199 (VIII) of 2 March 1949 in such a way that the possibility of eventual membership on the Commission on Narcotic Drugs shall be open to all Parties to the Convention.

[E/CONF.34/L.43]
[*22 March 1961*]
[*Original: English*]

Afghanistan, India, Switzerland: draft resolution on membership of the Commission on Narcotic Drugs

The Conference,

Noting that the Commission on Narcotic Drugs is entrusted by the consolitated Convention with the application of the Convention and that the decisions of the Commission will impose obligations on all Parties to the Convention,

Taking into account that the membership of the United Nations has greatly increased since the regulation by the Economic and Social Council of the composition of the Commission in Economic and Social Council resolutions 1/9 and 199 (VIII),

Invites the Economic and Social Council to re-examine at its thirty-second session the composition of the Commission on Narcotic Drugs in the light of the terms of the Convention and of the views expressed on this question at this Conference.

[E/CONF.34/L.43/Rev.1]
[*24 March 1961*]
[*Original: English*]

The Conference

Invites the Economic and Social Council to examine at its thirty-second session the question of the composition of the Commission on Narcotic Drugs and of an increase in the number of its members, in the light of the terms of this Convention and of the views expressed on this question at this Conference.

[E/CONF.34/L.43/Rev.2]
[*25 March 1961*]
[*Original: English*]

The Conference

Invites the Economic and Social Council to examine at its thirty-second session the question of an increase

in the membership of the Commission on Narcotic Drugs, in the light of the terms of this Convention and of the views expressed on this question at this Conference.

[E/CONF.34/L.46/Rev.1]
[*24 March 1961*]
[*Original: English*]

Draft resolution on international control machinery

The Conference,

Considering the importance of facilitating the transitional arrangements provided for in article 31 of the ... Convention on Narcotic Drugs,

Invites the Economic and Social Council to study the possibility of taking measures which would ensure the rapid and smooth carrying out of the simplification of the international control machinery.

[E/CONF.34/L.33]
[*20 March 1961*]
[*Original: English*]

Brazil, Canada, France, Ghana, India, Poland: draft preamble

The States represented at the United Nations Plenipotentiary Conference held at New York on ... to adopt a Single Convention for the international control of narcotic drugs,

Concerned deeply with the social and moral welfare of mankind,

Recognizing that the medical use of narcotic drugs is still indispensable for the relief of pain and suffering in the treatment of injury, disease and illness and that adequate provisions must be made to guarantee the availability of narcotic drugs for such purpose,

Recognizing, however, that addiction to narcotic drugs constitutes a serious evil for individuals and is wrought with danger to the entire communities,

Conscious of their duty to prevent and combat this danger,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives,

Decide, in conformity with the provisions of the existing international Conventions and Protocols on narcotic drugs:

To conclude a single and generally acceptable international Convention on narcotic drugs,

To stipulate in this Convention the provisions for the controlled use of drugs for medical and scientific pusposes, and

To establish continuous and systematic international co-operation for the implementation of the principles and provisions contained in this Convention.

[E/CONF.34/L.42]
[*22 March 1961*]
[*Original: English*]

Netherlands, Pakistan, United States of America: draft preamble

The Contracting Parties,

Recognizing the grave social and economic evils produced by narcotic addiction and the illicit drug traffic,

Determined to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of narcotic drugs,

Desiring to codify and revise the previous international conventions on narcotics with a view to concluding a single convention aimed at improving national and international controls of the manufacture of and trade in drugs, co-ordinating and strengthening national measures against illicit traffickers, and dealing with the problems of addiction,

Considering that for the accomplishment of these aims the measures provided in those conventions should be made both more effective and more acceptable to States on a world-wide basis,

Recalling the competence of the United Nations in the field of narcotics control, and desirous that the international bodies concerned with narcotics should be consolidated within the framework of that Organization,

Hereby agree as follows:

IX. — FINAL ACT OF THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A SINGLE CONVENTION ON NARCOTIC DRUGS

1. The Economic and Social Council of the United Nations, by resolution 689 J (XXVI) of 28 July 1958, decided to convene in accordance with Article 62, paragraph 4, of the Charter of the United Nations, and with the provisions of General Assembly resolution 366 (IV) of 3 December 1949, a plenipotentiary conference for the adoption of a single convention on narcotic drugs to replace by a single instrument the existing multilateral treaties in the field, to reduce the number of international treaty organs exclusively concerned with control of narcotic drugs, and to make provision for the control of the production of raw materials of narcotic drugs.

2. The United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs met at United Nations Headquarters from 24 January to 25 March 1961.

3. The following seventy-three States were represented by representatives at the Conference:

Afghanistan
Albania
Argentina
Australia
Bolivia
Brazil
Bulgaria
Burma
Byelorussian Soviet Socialist Republic
Cambodia
Canada
Chad
Chile
China
Congo (Léopoldville)
Costa Rica
Czechoslovakia
Dahomey
Denmark
Dominican Republic
El Salvador
Finland
France
Germany, Federal Republic of
Ghana
Greece
Guatemala
Haiti
Holy See
Hungary
India
Indonesia
Iran
Iraq
Israel
Italy
Japan
Jordan
Korea, Republic of
Lebanon
Liberia
Madagascar
Mexico
Monaco
Morocco
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Senegal
Spain
Sweden
Switzerland
Thailand
Tunisia
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Arab Republic
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Venezuela
Yugoslavia

4. The following State was represented by an observer at the Conference:

Ceylon.

5. The following specialized agencies were represented at the Conference:

Food and Agriculture Organization of the United Nations;

International Civil Aviation Organization;

International Labour Organisation;

World Health Organisation.

6. The following international bodies were represented at the Conference:

Permanent Central Opium Board;

Drug Supervisory Body.

7. The following non-governmental organizations were also represented at the Conference:

International Conference of Catholic Charities;

International Criminal Police Organizations;

International Federation of Women Lawyers.

8. General Safwat, Director of the Permanent Anti-Narcotics Bureau of the League of Arab States, at the invitation of the Conference, also attended in a personal capacity.

9. In accordance with the resolution of the Economic and Social Council referred to in paragraph 1 and with the rules of procedure adopted by the Conference, the observers and the representatives of the above-mentioned organizations and bodies participated in the work of the Conference without the right to vote.

10. The Conference elected Mr. Carl Schurmann (Netherlands) as President, and as Vice-Presidents the representatives of the following States:

Afghanistan
Brazil
Dahomey
France
Hungary
India
Iran
Japan
Mexico
Pakistan
Peru
Switzerland
Thailand
Turkey
United Arab Republic
United Kingdom of Great Britain and Northern Ireland
Union of Soviet Socialist Republics
United States of America

11. The Executive Secretary of the Conference was Mr. G. E. Yates, and the Deputy Executive Secretary was Mr. Adolf Lande.

12. The Conference had before it, in accordance with the resolution of the Economic and Social Council, the third draft of a single convention on narcotic drugs prepared by the Commission on Narcotic Drugs of the Council and a compilation of the comments

thereon; it also had before it other documentation prepared by the Secretariat.

13. The Conference set up the following committees:

General Committee

Chairman: The President of the Conference

Ad hoc *Committee on articles 2 and 3* (Scope of the Convention and Method of Bringing Additional Substances under Control)
Chairman: Mr. A. Tabibi (Afghanistan)

Technical Committee

Chairman: Mr. A. Johnson (Australia)
Vice-Chairman: Mr. A. Ismail (United Arab Republic)

Ad hoc *Committee on articles 30 and 40-43* (National Control in General)
Chairman: Mr. B. Banerji (India)

Ad hoc *Committee an articles 31-34* (National Control of Opium Poppy and Poppy Straw)
Chairman: Mr. L. Ignacio-Pinto (Dahomey)
Vice-Chairman: Mr. J. Koch (Denmark)

Ad hoc *Committee on articles 35-38* (National Control of Coca Leaf)
Chairman: Mr. K. Chikaraishi (Japan)

Ad hoc *Committee on article 39* (National Control of Cannabis)
Chairman: Mr. B. Grinberg (Bulgaria)

Ad hoc *Committee on articles 4, 20, 21 and 26-29* (Obligations of Parties; estimates and statistical returns systems; information to be furnished by Governments)
Chairman: Mr. E. Rodriguez Fabregat (Uruguay)
Vice-Chairman: Mr. J. Bertschinger (Switzerland)

Ad hoc *Committee an article 22* (Measures exercisable by the Board in case of non-compliance)
Chairman: Mr. A. Gurinovich (Byelorussian SSR)

Ad hoc *Committee on articles 7, 10, 11, 13-16, 19 and 23* (Constitution, Functions and Secretariat of International Control Organs)
Chairman: Mr. H. Blomstedt (Finland)

Ad hoc *Committee on articles 44-46* (Direct Measures against the Illicit Traffic)
Chairman: Mr. A. Bittencourt (Brazil)

Drafting Committee

Chairman: Mr. R. Curran (Canada)
Vice-Chairman: Mr. D. Nikolić (Yugoslavia)

Credentials Committee

Chairman: Mr. G. Ortiz (Costa Rica)

14. As the result of its deliberations, as recorded in the summary records of the Plenary and the summary records and reports of the committees, the Conference adopted [1] and opened for signature the Single Convention on Narcotic Drugs, 1961. In addition the Conference adopted the five resolutions annexed to this Final Act.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at New York, this thirtieth day of March one thousand nine hundred and sixty-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited with the Secretary-General of the United Nations.

[1] The Conference took note that the Convention was approved without prejudice to decisions or declarations in any relevant General Assembly resolution.

X. — SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

PREAMBLE

The Parties,

Concerned with the health and welfare of mankind,

Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

Conscious of their duty to prevent and combat this evil,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives,

Acknowledging the competence of the United Nations in the field of narcotics control and desirous that the international organs concerned should be within the framework of that Organization,

Desiring to conclude a generally acceptable international convention replacing existing treaties on narcotic drugs, limiting such drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives,

Hereby agree as follows:

Article 1

DEFINITIONS

1. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(*a*) " Board " means the International Narcotics Control Board.

(*b*) " Cannabis " means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.

(*c*) " Cannabis plant " means any plant of the genus cannabis.

(*d*) " Cannabis resin " means the separated resin, whether crude or purified, obtained from the cannabis plant.

(*e*) " Coca bush " means the plant of any species of the genus erythroxylon.

(*f*) " Coca leaf " means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed.

(*g*) " Commission " means the Commission on Narcotic Drugs of the Council.

(*h*) " Council " means the Economic and Social Council of the United Nations.

(*i*) " Cultivation " means the cultivation of the opium poppy, coca bush or cannabis plant.

(*j*) " Drug " means any of the substances in Schedules I and II, whether natural or synthetic.

(*k*) " General Assembly " means the General Assembly of the United Nations.

(*l*) " Illicit traffic " means cultivation or trafficking in drugs contrary to the provisions of this Convention.

(*m*) " Import " and " export " mean in their respective connotations the physical transfer of drugs from one State to another State, or from one territory to another territory of the same State.

(*n*) " Manufacture " means all processes, other than production, by which drugs may be obtained and includes refining as well as the transformation of drugs into other drugs.

(*o*) " Medicinal opium " means opium which has undergone the processes necessary to adapt it for medicinal use.

(*p*) " Opium " means the coagulated juice of the opium poppy.

(*q*) " Opium poppy " means the plant of the species *Papaver somniferum L.*

(*r*) " Poppy straw " means all parts (except the seeds) of the opium poppy, after mowing.

(*s*) " Preparation " means a mixture, solid or liquid, containing a drug.

(*t*) " Production " means the separation of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.

(*u*) " Schedule I ", " Schedule II ", " Schedule III " and " Schedule IV " mean the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3.

(*v*) " Secretary-General " means the Secretary-General of the United Nations.

(*w*) " Special stocks " means the amounts of drugs held in a country or territory by the Government of such country or territory for special Government purposes and to meet exceptional circumstances; and the expression " special purposes " shall be construed accordingly.

(*x*) " Stocks " means the amounts of drugs held in a country or territory and intended for:

(i) Consumption in the country or territory for medical and scientific purposes,

(ii) Utilization in the country or territory for the manufacture of drugs and other substances, or

(iii) Export;

but does not include the amounts of drugs held in the country or territory,

(iv) By retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, or

(v) As " special stocks ".

(*y*) " Territory " means any part of a State which is treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 31. This definition shall not apply to the term " territory " as used in articles 42 and 46.

2. For the purposes of this Convention a drug shall be regarded as " consumed " when it has been supplied to any person or enterprise for retail distribution, medical use or scientific research; and " consumption " shall be construed accordingly.

Article 2

SUBSTANCES UNDER CONTROL

1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in articles 4 (*c*), 19, 20, 21, 29, 30, 31, 32, 33, 34 and 37.

2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in article 30, paragraphs 2 and 5, in respect of the retail trade.

3. Preparations other than those in Schedule III are subject to the same measures of control as the drugs which they contain, but estimates (article 19) and statistics (article 20) distinct from those dealing with these drugs shall not be required in the case of such preparations, and article 29, paragraph 2 (*c*) and article 30, paragraph 1 (*b*) (ii) need not apply.

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (*b*) and 4 to 15 need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter schedule, and in addition thereto:

(*a*) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and

(*b*) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of articles 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.

9. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) They ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (article 3, paragraph 3) and that the harmful substances cannot in practice be recovered; and

(*b*) They include in the statistical information (article 20) furnished by them the amount of each drug so used.

Article 3

CHANGES IN THE SCOPE OF CONTROL

1. Where a Party or the World Health Organization has information which in its opinion may require an amendment to any of the Schedules, it shall notify the Secretary-General and furnish him with the information in support of the notification.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

3. Where a notification relates to a substance not already in Schedule I or in Schedule II,

(i) the Parties shall examine in the light of the available information the possibility of the provisional application to the substances of all measures of control applicable to drugs in Schedule I;

(ii) pending its decision as provided in sub-paragraph (iii) of this paragraph, the Commission may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question;

(iii) if the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I of Schedule II.

4. If the World Health Organization finds that a preparation because of the substances which it contains is not liable to abuse and cannot produce ill effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may, in accordance with the recommendation of the World Health Organization, add that preparation to Schedule III.

5. If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

6. Where a notification relates to a drug already in Schedule I or Schedule II or to a preparation in Schedule III, the Commission, apart from the measure provided for in paragraph 5, may, in accordance with the recommendation of the World Health Organization, amend any of the Schedules by:

(*a*) transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; or

(*b*) deleting a drug or a preparation as the case may be, from a Schedule.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention.

8. (*a*) The decisions of the Commission amending any of the schedules shall be subject to review by the Council upon the request of any Party filed within ninety days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based;

(*b*) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the World Health Organization and to all the Parties inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration;

(*c*) The Council may confirm, alter or reverse the decision of the Commission, and the decision of the Council shall be final. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization, and to the Board.

(*d*) During pendency of the review the original decision of the Commission shall remain in effect.

9. Decisions of the Commission taken in accordance with this article shall not be subject to the review procedure provided for in article 7.

Article 4

General obligations

The Parties shall take such legislative and administrative measures as may be necessary:

(*a*) to give effect to and carry out the provisions of this Convention within their own territories;

(*b*) to co-operate with other States in the execution of the provisions of this Convention; and

(*c*) subject to the provisions of this Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

Article 5

The international control organs

The Parties, recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust to the Commission on Narcotic Drugs of the Economic and Social Council, and to the International Narcotics Control Board, the functions respectively assigned to them under this Convention.

Article 6

Expenses of the international control organs

The expenses of the Commission and the Board will be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not members of the United Nations shall contribute to these expenses such amounts as the General Assembly shall find equitable and assess from time to time after consultation with the Governments of these Parties.

Article 7

Review of decisions and recommendations of the Commission

Except for decisions under article 3, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendtions of the Commission.

Article 8

FUNCTIONS OF THE COMMISSION

The Commission is authorized to consider all matters pertaining to the aims of this Convention, and in particular:

(*a*) To amend the Schedules in accordance with article 3;

(*b*) To call the attention of the Board to any matters which may be relevant to the functions of the Board;

(*c*) To make recommendations for the implementation of the aims and provisions of this Convention, including programmes of scientific research and the exchange of information of a scientific or technical nature; and

(*d*) To draw the attention of non-parties to decisions and recommendations which it adopts under this Convention, with a view to their considering taking action in accordance therewith.

Article 9

COMPOSITION OF THE BOARD

1. The Board shall consist of eleven members to be elected by the Council as follows:

(*a*) Three members with medical pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(*b*) Eight members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.

Article 10

TERMS OF OFFICE AND REMUNERATION OF MEMBERS OF THE BOARD

1. The members of the Board shall serve for a period of three years, and shall be eligible for re-election.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.

3. A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of eight members of the Board.

5. Where a vacancy occurs on the Board during the term of office of a member, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 9, by electing another member for the remainder of the term.

6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

Article 11

RULES OF PROCEDURE OF THE BOARD

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.

2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

3. The quorum necessary at meetings of the Board shall consist of seven members.

Article 12

ADMINISTRATION OF THE ESTIMATE SYSTEM

1. The Board shall fix the date or dates by which, and the manner in which the estimates as provided in article 19 shall be furnished and shall prescribe the forms therefor.

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions of this Convention.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board in establishing such estimates shall, to the extent practicable, do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it considers necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates.

6. In addition to the reports mentioned in article 15, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the carrying out of this Convention.

Article 13

ADMINISTRATION OF THE STATISTICAL RETURNS SYSTEM

1. The Board shall determine the manner and form in which statistical returns shall be furnished as provided in article 20 and shall prescribe the forms therefor.

2. The Board shall examine the returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention.

3. The Board may require such further information as it considers necessary to complete or explain the information contained in such statistical returns.

4. It shall not be within the competence of the Board to question or express an opinion on statistical information respecting drugs required for special purposes.

Article 14

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF PROVISIONS OF THE CONVENTION

1. (*a*) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs and bearing on questions arising under those provisions, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of any country or territory to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (*c*) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

(*b*) After taking action under sub-paragraph (*a*) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(*c*) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (*a*) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (*b*) above, it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (*c*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

Article 15

REPORTS OF THE BOARD

1. The Board shall prepare an annual report on its work and such additional reports as it considers necessary containing also an analysis of the estimates and statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. These reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

Article 16

SECRETARIAT

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General.

Article 17

SPECIAL ADMINISTRATION

The Parties shall maintain a special administration for the purpose of applying the provisions of this Convention.

Article 18

INFORMATION TO BE FURNISHED BY PARTIES TO THE SECRETARY-GENERAL

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as

being necessary for the performance of its functions, and in particular:

(*a*) An annual report on the working of the Convention within each of their territories;

(*b*) The text of all laws and regulations from time to time promulgated in order to give effect to this Convention;

(*c*) Such particulars as the Commission shall determine concerning cases of illicit traffic, including particulars of each case of illicit traffic discovered which may be of importance, because of the light thrown on the source from which drugs are obtained for the illicit traffic, or because of quantities involved or the method employed by illicit traffickers; and

(*d*) The names and addresses of the governmental authorities empowered to issue export and import authorizations or certificates.

2. Parties shall furnish the information referred to in the preceding paragraph in such manner and by such dates and use such forms as the Commission may request.

Article 19

ESTIMATES OF DRUG REQUIREMENTS

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(*a*) Quantities of drugs to be consumed for medical and scientific purposes;

(*b*) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) Stocks of drugs to be held as at 31 December of the year to which the estimates relate; and

(*d*) Quantities of drugs necessary for addition to special stocks.

2. Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug shall consist of the sum of the amounts specified under sub-paragraphs (*a*), (*b*) and (*d*) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (*c*) of paragraph 1.

3. Any State may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 21, the estimates shall not be exceeded.

Article 20

STATISTICAL RETURNS TO BE FURNISHED TO THE BOARD

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(*a*) Production or manufacture of drugs;

(*b*) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(*c*) Consumption of drugs;

(*d*) Imports and exports of drugs and poppy straw;

(*e*) Seizures of drugs and disposal thereof; and

(*f*) Stocks of drugs as at 31 December of the year to which the returns relate.

2. (*a*) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (*d*), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(*b*) The statistical returns in respect to the matters referred to in sub-paragraph (*d*) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. In addition to the matters referred to in paragraph 1 of this article the Parties may as far as possible also furnish to the Board for each of their territories information in respect of areas (in hectares) cultivated for the production of opium.

4. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

Article 21

LIMITATION OF MANUFACTURE AND IMPORTATION

1. The total of the quantities of each drug manufactured and imported by any country or territory in any one year shall not exceed the sum of the following:

(*a*) The quantity consumed, within the limit of the relevant estimate, for medical and scientific purposes;

(*b*) The quantity used, within the limit of the relevant estimate, for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) The quantity exported;

(*d*) The quantity added to the stock for the purpose of bringing that stock up to the level specified in the relevant estimate; and

(*e*) The quantity acquired within the limit of the relevant estimate for special purposes.

2. From the sum of the quantities specified in paragraph 1 there shall be deducted any quantity that had been seized and released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

3. If the Board finds that the quantity manufactured and imported in any one year exceeds the sum of the quantities specified in paragraph 1, less any deductions required under paragraph 2 of this article, any excess so established and remaining at the end of the year shall, in the following year, be deducted from the quantity to be manufactured or imported and from the total of the estimates as defined in paragraph 2 of article 19.

4. (*a*) If it appears from the statistical returns on imports or exports (article 20) that the quantity exported to any country or territory exceeds the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts shown to have been exported, and after deduction of any excess as established in paragraph 3 of this article, the Board may notify this fact to States which, in the opinion of the Board, should be so informed;

(*b*) On receipt of such a notification, Parties shall not during the year in question authorize any further exports of the drug concerned to that country or territory, except:

(i) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required, or

(ii) In exceptional cases where the export, in the opinion of the Government of the exporting country, is essential for the treatment of the sick.

Article 22

Special provision applicable to cultivation

Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

Article 23

National opium agencies

1. A Party that permits the cultivation of the opium poppy for the production of opium shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

2. Each such Party shall apply the following provisions to the cultivation of the opium poppy for the production of opium and to opium:

(*a*) The Agency shall designate the areas in which, and the plots of land on which, cultivation of the opium poppy for the purpose of producing opium shall be permitted.

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation.

(*c*) Each licence shall specify the extent of the land on which the cultivation is permitted.

(*d*) All cultivators of the opium poppy shall be required to deliver their total crops of opium to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than four months after the end of the harvest.

(*e*) The Agency shall, in respect of opium, have the exclusive right of importing, exporting, wholesale trading and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

3. The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the constitution of the Party concerned permits it.

Article 24

Limitation on production of opium for international trade

1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimates thereof published by the Board so that the production of opium by such Party does not result in over-production of opium in the world.

(*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

2. (*a*) Subject to paragraph 1, where a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding five tons annually, it shall notify the Board, furnishing with such notification information regarding:

(i) The controls in force as required by this Convention respecting the opium to be produced and exported; and

(ii) The name of the country or countries to which it expects to export such opium;

and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export.

(*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce opium for export in amounts exceeding five tons annually, it shall notify the Council, furnishing with such notification relevant information including:

(i) The estimated amounts to be produced for export;

(ii) The controls existing or proposed respecting the opium to be produced;

(iii) The name of the country or countries to which it expects to export such opium;

and the Council shall either approve the notification or may recommend to the Party that it do not engage in the production of opium for export.

3. Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of paragraph 2, a Party that during ten years immediately prior to 1 January 1961 exported opium which such country produced may continue to export opium which it produces.

4. (*a*) A Party shall not import opium from any country or territory except opium produced in the territory of:

(i) A Party referred to in paragraph 3;

(ii) A Party that has notified the Board as provided in sub-paragraph (*a*) of paragraph 2; or

(iii) A Party that has received the approval of the Council as provided in sub-paragraph (*b*) of paragraph 2.

(*b*) Notwithstanding sub-paragraph (*a*) of this paragraph, a Party may import opium produced by any country which produced and exported opium during the ten years prior to 1 January 1961 if such country has established and maintains a national control organ or agency for the purposes set out in article 23 and has in force an effective means of ensuring that the opium it produces is not diverted into the illicit traffic.

5. The provisions of this article do not prevent a Party:

(*a*) From producing opium sufficient for its own requirements; or

(*b*) From exporting opium seized in the illicit traffic, to another Party in accordance with the requirements of this Convention.

Article 25

CONTROL OF POPPY STRAW

1. A Party that permits the cultivation of the opium poppy for purposes other than production of opium shall take all measures necessary to ensure:

(*a*) That opium is not produced from such opium poppies; and

(*b*) That the manufacture of drugs from poppy straw is adequately controlled.

2. The Parties shall apply to poppy straw the system of import certificates and export authorizations as provided in article 31, paragraphs 4 to 15.

3. The Parties shall furnish statistical information on the import and export of poppy straw as required for drugs under article 20, paragraph 1 (*d*) and 2 (*b*).

Article 26

THE COCA BUSH AND COCA LEAVES

1. If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in article 23 respecting the control of the opium poppy, but as regards paragraph 2 (*d*) of that article, the requirements imposed on the Agency therein referred to shall be only to take physical possession of the crops as soon as possible after the end of the harvest.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy the coca bushes if illegally cultivated.

Article 27

ADDITIONAL PROVISIONS RELATING TO COCA LEAVES

1. The Parties may permit the use of coca leaves for the preparation of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately estimates (article 19) and statistical information (article 20) in respect of coca leaves for preparation of the flavouring agent, except to the extent that the same coca leaves are used for the extraction of alkaloids and the flavouring agent, and so explained in the estimates and statistical information.

Article 28

CONTROL OF CANNABIS

1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 23 respecting the control of the opium poppy.

2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.

3. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.

Article 29

MANUFACTURE

1. The Parties shall require that the manufacture of drugs be under licence except where such manufacture is carried out by a State enterprise or State enterprises.

2. The Parties shall:

(*a*) Control all persons and enterprises carrying on or engaged in the manufacture of drugs;

(*b*) Control under licence the establishments and premises in which such manufacture may take place; and

(*c*) Require that licensed manufacturers of drugs obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture. A periodical permit, however, need not be required for preparations.

3. The Parties shall prevent the accumulation, in the possession of drug manufacturers, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

Article 30

TRADE AND DISTRIBUTION

1. (*a*) The Parties shall require that the trade in and distribution of drugs be under licence except where such trade or distribution is carried out by a State enterprise or State enterprises.

(*b*) The Parties shall:

(i) Control all persons and enterprises carrying on or engaged in the trade in or distribution of drugs;

(ii) Control under licence the establishments and premises in which such trade or distribution may take place. The requirement of licensing need not apply to preparations.

(*c*) The provisions of sub-paragraphs (*a*) and (*b*) relating to licensing need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

2. The Parties shall also:

(*a*) Prevent the accumulation in the possession of traders, distributors, State enterprises or duly authorized persons referred to above, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions; and

(*b*) (i) Require medical prescriptions for the supply or dispensing of drugs to individuals. This requirement need not apply to such drugs as individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions; and

(ii) If the Parties deem these measures necessary or desirable, require that prescriptions for drugs in Schedule I should be written on official forms to be issued in the form of counterfoil books by the competent governmental authorities or by authorized professional associations.

3. It is desirable that Parties require that written or printed offers of drugs, advertisements of every kind or descriptive literature relating to drugs and used for commercial purposes, interior wrappings of packages containing drugs, and labels under which drugs are offered for sale indicate the international non-proprietary name communicated by the World Health Organization.

4. If a Party considers such measure necessary or desirable, it shall require that the inner package containing a drug or wrapping thereof shall bear a clearly visible double red band. The exterior wrapping of the package in which such drug is contained shall not bear a double red band.

5. A Party shall require that the label under which a drug is offered for sale show the exact drug content by weight or percentage. This requirement of label information need not apply to a drug dispensed to an individual on medical prescription.

6. The provisions of paragraphs 2 and 5 need not apply to the retail trade in or retail distribution of drugs in Schedule II.

Article 31

SPECIAL PROVISIONS RELATING TO INTERNATIONAL TRADE

1. The Parties shall not knowingly permit the export of drugs to any country or territory except:

(*a*) In accordance with the laws and regulations of that country or territory; and

(*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts intended to be re-exported.

2. The Parties shall exercice in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. The Parties shall:

(*a*) Control under licence the import and export of drugs except where such import or export is carried out by a State enterprise or enterprises;

(*b*) Control all persons and enterprises carrying on or engaged in such import or export.

4. (*a*) Every Party permitting the import or export of drugs shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more drugs.

(*b*) Such authorization shall state the name of the drug, the international non-proprietary name if any, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected.

(*c*) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

(*d*) The import authorization may allow an importation in more than one consignment.

5. Before issuing an export authorization the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation of the drug or drugs referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization. The Parties shall follow as closely as may be practicable the form of import certificates approved by the Commission.

6. A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

7. (*a*) The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization with an endorsement to that effect, to the Government of the exporting country or territory.

(*b*) The endorsement shall specify the amount actually imported.

(*c*) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a party other than the party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.

10. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

11. A Party shall not permit any drugs consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such consignment is produced to the competent authorities of such Party.

12. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7 (*a*) and (*b*) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

13. No consignment of drugs while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the drugs in question. The packing may not be altered without the permission of the competent authorities.

14. The provisions of paragraphs 11 to 13 relating to the passage of drugs through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

15. The provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over drugs in transit.

16. Nothing in this article other than paragraphs 1 (*a*) and 2 need apply in the case of preparations in Schedule III

Article 32

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF DRUGS IN FIRST-AID KITS OF SHIPS OR AIRCRAFT ENGAGED IN INTERNATIONAL TRAFFIC

1. The international carriage by ships or aircraft of such limited amounts of drugs as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the drugs referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Drugs carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of article 30, paragraph 2 (*b*).

Article 33

POSSESSIONS OF DRUGS

The Parties shall not permit the possession of drugs except under legal authority.

Article 34

MEASURES OF SUPERVISION AND INSPECTION

The Parties shall require:

(*a*) That all persons who obtain licences as provided in accordance with this Convention, or who have managerial or supervisory positions in a State enterprise established in accordance with this Convention, shall have adequate qualifications for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance thereof; and

(*b*) That governmental authorities, manufacturers, traders, scientists, scientific institutions and hospitals keep such records as will show the quantities of each drug manufactured and of each individual acquisition and disposal of drugs. Such records shall respectively be preserved for a period of not less than two years. Where counterfoil books (article 30, paragraph 2 (*b*))

of official prescriptions are used, such books including the counterfoils shall also be kept for a period of not less than two years.

Article 35

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(*a*) Make arrangements at the national level for co-ordination of preventive end repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(*b*) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(*c*) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(*d*) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(*e*) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

Article 36

PENAL PROVISIONS

1. Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(*b*) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (*a*) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

Article 37

SEIZURE AND CONFISCATION

Any drugs, substances and equipment used in or intended for the commission of any of the offences, referred to in article 36, shall be liable to seizure and confiscation.

Article 38

TREATMENT OF DRUG ADDICTS

1. The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.

2. If a Party has a serious problem of drug addiction and its economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts.

Article 39

APPLICATION OF STRICTER NATIONAL CONTROL MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

Notwithstanding anything contained in this Convention, a Party shall not be, or be deemed to be, precluded from adopting measures of control more strict or severe than those provided by this Convention and in parti-

cular from requiring that preparations in Schedule III or drugs in Schedule II be subject to all or such of the measures of control applicable to drugs in Schedule I as in its opinion is necessary or desirable for the protection of the public health or welfare.

Article 40

LANGUAGES OF THE CONVENTION AND PROCEDURE FOR SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 1 August 1961 on behalf of any Member of the United Nations, of any non-member State which is a Party to the Statute of the International Court of Justice or member of a specialized agency of the United Nations, and also of any other State which the Council may invite to become a Party.

2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General.

3. This Convention shall be open after 1 August 1961 for accession by the States referred to in paragraph 1. The instruments of accession shall be deposited with the Secretary-General.

Article 41

ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 40.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this Convention shall come into force on the thirtieth day after the deposit by that States of its instrument of ratification or accession.

Article 42

TERRITORIAL APPLICATION

This Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notifications from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

Article 43

TERRITORIES FOR THE PURPOSES OF ARTICLES 19, 20, 21 AND 31

1. Any Party may notify the Secretary-General that, for the purposes of articles 19, 20, 21 and 31, one of its territories is divided into two or more territories, or that two or more of its territories are consolidated into a single territory.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a single territory for the purposes of articles 19, 20, 21 and 31.

3. Any notification under paragraph 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made.

Article 44

TERMINATION OF PREVIOUS INTERNATIONAL TREATIES

1. The provisions of this Convention, upon its coming into force, shall, as between Parties hereto, terminate and replace the provisions of the following treaties:

(*a*) International Opium Convention, signed at The Hague on 23 January 1912;

(*b*) Agreement concerning the Manufacture of, Internal Trade in and Use of Prepared Opium, signed at Geneva on 11 February 1925;

(*c*) International Opium Convention, signed at Geneva on 19 February 1925;

(*d*) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931;

(*e*) Agreement for the Control of Opium Smoking in the Far East, signed at Bangkok on 27 November 1931;

(*f*) Protocal signed at Lake Success on 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936, except as is affects the last-named Convention;

(*g*) The Conventions and Agreements referred to in sub-paragraphs (*a*) to (*e*) as amended by the Protocol of 1946 referred to in sub-paragraph (*f*);

(*h*) Protocol signed at Paris on 19 November 1948 Bringing under International Control Drugs outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946;

(*i*) Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the production of, International and Wholesale Trade in, and Use of Opium, signed at New York on 23 June 1953, should that Protocol have come into force.

2. Upon the coming into force of this Convention, article 9 of the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936, shall, between the Parties thereto which are also Parties to this Convention, be terminated, and shall be replaced by paragraph 2 (*b*) of article 36 of this Convention; provided that such a Party may by notification to the Secretary-General continue in force the said article 9.

Article 45

TRANSITIONAL PROVISIONS

1. The functions of the Board provided for in article 9 shall, as from the date of the coming into force of this Convention (article 41, paragraph 1), be provisionally carried out by the Permanent Central Board constituted under chapter VI of the Convention referred to in article 44 (*c*) as amended, and by the Supervisory Body constituted under chapter II of the Convention referred to in article 44 (*d*) as amended, as such functions may respectively require.

2. The Council shall fix the date on which the new Board referred to in article 9 shall enter upon its duties. As from that date that Board shall, with respect to the States Parties to the treaties enumerated in article 44 which are not Parties to this Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body referred to in paragraph 1.

Article 46

DENUNCIATION

1. After the expiry of two years from the date of the coming into force of this Convention (article 41, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given accordance with article 42, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 41, paragraph 1, cease to exist.

Article 47

AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

(*a*) That a conference shall be called in accordance with Article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or

(*b*) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (*b*) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

Article 48

DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred to the International Court of Justice for decision.

Article 49

TRANSITIONAL RESERVATIONS

1. A Party may at the time of signature, ratification or accession reserve the right to permit temporarily in any one of its territories:

(*a*) The quasi-medical use of opium;

(*b*) Opium smoking;

(*c*) Coca leaf chewing;

(*d*) The use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes; and

(*e*) The production and manufacture of and trade in the drugs referred to under (*a*) to (*d*) for the purposes mentioned therein.

2. The reservations under paragraph 1 shall be subject to the following restrictions:

(*a*) The activities mentioned in paragraph 1 may be authorized only to the extent that they were traditional in the territories in respect of which the reservation is made, and were there permitted on 1 January 1961.

(*b*) No export of the drugs referred to in paragraph 1 for the purposes mentioned therein may be permitted to a non-party or to a territory to which this Convention does not apply under article 42.

(*c*) Only such persons may be permitted to smoke opium as were registered by the competent authorities to this effect on 1 January 1964.

(*d*) The quasi-medical use of opium must be abolished within 15 years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*e*) Coca leaf chewing must be abolished within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*f*) The use of cannabis for other than medical and scientific purposes must be discontinued as soon as possible but in any case within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*g*) The production and manufacture of and trade in the drugs referred to in paragraph 1 for any of the uses mentioned therein must be reduced and finally abolished simultaneously with the reduction and abolition of such uses.

3. A Party making a reservation under paragraph 1 shall:

(*a*) Include in the annual report to be furnished to the Secretary-General, in accordance with article 18, paragraph 1 (*a*), an account of the progress made in the preceding year towards the abolition of the use, production, manufacture or trade referred to under paragraph 1; and

(*b*) Furnish to the Board separate estimates (article 19) and statistical returns (article 20) in respect of the reserved activities in the manner and form prescribed by the Board.

4. (*a*) If a Party which makes a reservation under paragraph 1 fails to furnish:

(i) The report referred to in paragraph 3 (*a*) within six months after the end of the year to which the information relates;

(ii) The estimates referred to in paragraph 3 (*b*) within three months after the date fixed for that purpose by the Board in accordance with article 12, paragraph 1;

(iii) The statistics referred to in paragraph 3 (*b*) within three months after the date on which they are due in accordance with article 20, paragraph 2, the Board or the Secretary-General, as the case may be, shall send to the Party concerned a notification of the delay, and shall request such information within a period of three months after the receipt of that notification.

(*b*) If the Party fails to comply within this period with the request of the Board or the Secretary-General, the reservation in question made under paragraph 1 shall cease to be effective.

5. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 50

OTHER RESERVATIONS

1. No reservations other than those made in accordance with article 49 or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention: article 12, paragraphs 2 and 3; article 13, paragraph 2; article 14, paragraphs 1 and 2; article 31, paragraph 1 (*b*), and article 48.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 51

NOTIFICATIONS

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 40:

(*a*) Signatures, ratifications and accessions in accordance with article 40;

(*b*) The date upon which this Convention enters into force in accordance with article 41;

(*c*) Denunciations in accordance with article 46; and

(*d*) Declarations and notifications under articles 42, 43, 47, 49 and 50.

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments:

DONE at New York, this thirtieth day of March one thousand nine hundred and sixty one, in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be transmitted to all the Members of the United Nations and to the other States referred to in article 40, paragraph 1.

SCHEDULES

List of drugs included in Schedule I

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
ANILERIDINE (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
BENZYLMORPHINE (3-benzylmorphine)
BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES of CANNABIS
CLONITAZENE (2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
COCA LEAF
COCAINE (methyl ester of benzoylecgonine)
CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade)
DESOMORPHINE (dihydrodeoxymorphine)
DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
DIAMPROMIDE (N-[2-(methylphenethylamino) propyl] propionanilide)
DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)
DIHYDROMORPHINE
DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)
DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2,2-diphenyl-butyrate)
DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine
ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole)
ETOXERIDINE (1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
HEROIN (diacetylmorphine)
HYDROCODONE (dihydrocodeinone)
HYDROMORPHINOL (14-hydroxydihydromorphine)
HYDROMORPHONE (dihydromorphinone)
HYDROXYPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine)
LEVOMETHORPHAN * ((—)-3-methoxy-N-methylmorphinan)
LEVOMORAMIDE ((—)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
LEVOPHENACYLMORPHAN ((—)-3-hydroxy-N-phenacylmorphinan)
LEVORPHANOL * ((—)-3-hydroxy-N-methylmorphinan)
METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
METHYLDESORPHINE (6-methyl-delta 6-deoxymorphine)
METHYLDIHYDROMORPHINE (6-methyldihydromorphine)
1-Methyl-4-phenylpiperidine-4-carboxylic acid
METOPON (5-methyldihydromorphinone)
MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
MORPHINE
MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives
MORPHINE-N-OXIDE
MYROPHINE (myristylbenzylmorphine)
NICOMORPHINE (3,6-dinicotinylmorphine)
NORLEVORPHANOL ((—)-3-hydroxymorphinan)
NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)
NORMORPHINE (demethylmorphine)
OPIUM
OXYCODONE (14-hydroxydihydrocodeinone)
OXYMORPHONE (14-hydroxydihydromorphinone)
PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)
PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester)
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan)
RACEMORAMIDE ((±-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrroldinyl) butyl] morpholine)
RACEMORPHAN ((±)-3-hydroxy-N-methylmorphinan)
THEBACON (acetyldihydrocodeinone)
THEBAINE
TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

List of drugs included in Schedule II

ACETYLDIHYDROCODEINE
CODEINE (3-methylmorphine)
DEXTROPROPOXYPHENE ((+)-4-dimethylamino-3-methyl-1,2-diphenyl-2-propionoxybutane)
DIHYDROCODEINE
ETHYLMORPHINE (3-ethylmorphine)
NORCODEINE (N-demethylcodeine)
PHOLCODINE (morpholinylethylmorphine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

* Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-Hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

List of drugs included in Schedule III

1. Preparations of:

Acetyldihydrocodeine,
Codeine,
Dextropropoxyphene,
Dihydrocodeine,
Ethylmorphine,
Norcodeine, and
Pholcodine

when

(*a*) Compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health; and

(*b*) Containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Solid dose preparations of diphenoxylate containing not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate per dosage unit.

4. *Pulvis ipecacuanhae et opii compositus*

10 per cent opium in powder
10 per cent ipecacuanha root, in powder
well mixed with
80 per cent of any other powdered ingredient containing no drug.

5. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

List of drugs included in Schedule IV

CANNABIS and CANNABIS RESIN
DESOMORPHINE (dihydrodeoxymorphine)
HEROIN (diacetylmorphine)
KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine); and

The salts of the drugs listed in this Schedule whenever the formation of such salts is possible.

XI. — RESOLUTIONS ADOPTED BY THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A SINGLE CONVENTION ON NARCOTIC DRUGS

Resolution I

TECHNICAL ASSISTANCE ON NARCOTIC DRUGS

The Conference,

Welcoming the establishment by General Assembly resolution 1395 (XIV) of special arrangements for technical assistance in the field of narcotics control,

Noting that the United Nations and the specialized agencies concerned have already provided a limited amount of assistance under the Expanded Programme of Technical Assistance and in their regular programmes,

Welcoming also the co-operation of the International Criminal Police Organization in the execution of technical assistance projects,

Expresses the hope that adequate resources will be made available to provide assistance in the fight against the illicit traffic, to those countries which desire and request it, particularly in the form of expert advisers and of training, including training courses for national officials.

Resolution II

TREATMENT OF DRUG ADDICTS

The Conference,

Recalling the provisions of article 38 of the Convention concerning the treatment and rehabilitation of drug addicts,

1. *Declares* that one of the most effective methods of treatment for addiction is treatment in a hospital institution having a drug free atmosphere;

2. *Urges* Parties having a serious drug addiction problem, and the economic means to do so, to provide such facilities.

Resolution III

ILLICIT TRAFFICKERS

The Conference,

1. *Calls attention* to the importance of the technical records on international traffickers kept at present by the International Criminal Police Organization;

2. *Recommends* that these records be completed as far possible by all parties and be widely used for the ciruculation of description of the traffickers by that Organization.

Resolution VI

MEMBERSHIP ON THE COMMISSION ON NARCOTIC DRUGS

The Conference,

Invites the Economic and Social Council to examine at its thirty-second session the question of an increase in the membership of the Commission on Narcotic Drugs, in the light of the terms of this Convention and of the views expressed on this question at this Conference.

Resolution V

INTERNATIONAL CONTROL MACHINERY

The Conference,

Considering the importance of facilitating the transitional arrangements provided for in article 45 of the Single Convention on Narcotic Drugs, 1961,

Invites the Economic and Social Council to study the possibility of taking measures which would ensure the rapid and smooth carrying out of the simplification of the international control machinery.

WHERE TO BUY UNITED NATIONS PUBLICATIONS AND THE PUBLICATIONS OF THE INTERNATIONAL COURT OF JUSTICE

AFRICA

CAMEROON:
LIBRAIRIE DU PEUPLE AFRICAIN
La Gérante, B. P. 1197, Yaoundé.
DIFFUSION INTERNATIONALE CAMEROUNAISE
DU LIVRE ET DE LA PRESSE, Sangmelima.

CONGO (Léopoldville):
INSTITUT POLITIQUE CONGOLAIS
B. P. 2307, Léopoldville.

ETHIOPIA: INTERNATIONAL PRESS AGENCY
P. O. Box 120, Addis Ababa.

GHANA: UNIVERSITY BOOKSHOP
University College of Ghana, Legon, Accra.

KENYA: THE E.S.A. BOOKSHOP, Box 30167, Nairobi.

LIBYA: SUDKI EL JERBI (BOOKSELLERS)
P. O. Box 78, Istiklal Street, Benghazi.

MOROCCO: AUX BELLES IMAGES
281 Avenue Mohammed V, Rabat.

NIGERIA: UNIVERSITY BOOKSHOP (NIGERIA) LTD.
University College, Ibadan.

NORTHERN RHODESIA:
J. BELDING, P. O. Box 750, Mufulira.

NYASALAND: BOOKERS (NYASALAND) LTD.
Lontyre House, P. O. Box 34, Blantyre.

SOUTH AFRICA:
VAN SCHAIK'S BOOKSTORE (PTY) LTD.
Church Street, Box 724, Pretoria.
TECHNICAL BOOKS (PTY.) LTD., Faraday House
P. O. Box 2866, 40 St. George's Street, Cape Town.

SOUTHERN RHODESIA:
THE BOOK CENTRE, First Street, Salisbury.

TANGANYIKA: DAR ES SALAAM BOOKSHOP
P. O. Box 9030, Dar es Salaam.

UGANDA: UGANDA BOOKSHOP, P. O. Box 145, Kampala.

UNITED ARAB REPUBLIC:
LIBRAIRIE "LA RENAISSANCE D'ÉGYPTE"
9 Sh. Adly Pasha, Cairo.
AL NAHDA EL ARABIA BOOKSHOP
32 Abd-el-Khalek Sarwart St., Cairo.

ASIA

BURMA: CURATOR, GOVT. BOOK DEPOT, Rangoon.

CAMBODIA: ENTREPRISE KHMÈRE DE LIBRAIRIE
Imprimerie & Papeterie Sarl, Phnom-Penh.

CEYLON: LAKE HOUSE BOOKSHOP
Assoc. Newspapers of Ceylon, P. O. Box 244, Colombo.

CHINA:
THE WORLD BOOK COMPANY, LTD.
99 Chung King Road, 1st Section, Taipeh, Taiwan.
THE COMMERCIAL PRESS, LTD.
211 Honan Road, Shanghai.

HONG KONG: THE SWINDON BOOK COMPANY
25 Nathan Road, Kowloon.

INDIA:
ORIENT LONGMANS
Calcutta, Bombay, Madras, New Delhi, Hyderabad.
OXFORD BOOK & STATIONERY COMPANY
New Delhi and Calcutta.

INDONESIA:
PEMBANGUNAN, LTD., Gunung Sahari 84, Djakarta.

JAPAN: MARUZEN COMPANY, LTD.
6 Tori-Nichome, Nihonbashi, Tokyo.

KOREA, REPUBLIC OF:
EUL-YOO PUBLISHING CO., LTD., 5, 2-KA, Chongno, Seoul.

PAKISTAN:
THE PAKISTAN CO-OPERATIVE BOOK SOCIETY
Dacca, East Pakistan.
PUBLISHERS UNITED, LTD., Lahore.
THOMAS & THOMAS, Karachi.

PHILIPPINES:
PHILIPPINE EDUCATION COMPANY, INC.
1104 Castillejos, P. O. Box 620, Quiapo, Manila.
POPULAR BOOKSTORE, 1573 Doroteo Jose, Manila.

SINGAPORE:
THE CITY BOOK STORE, LTD., Collyer Quay.

THAILAND:
PRAMUAN MIT, LTD.
55 Chakrawat Road, Wat Tuk, Bangkok.
NIBONDH & CO., LTD.
New Road, Sikak Phya Sri, Bangkok.
SUKSAPAN PANIT
Mansion 9, Rajadamnern Avenue, Bangkok.

VIET-NAM, REPUBLIC OF:
LIBRAIRIE-PAPETERIE XUAN THU
185, rue Tu-do, B. P. 283, Saigon.

EUROPE

AUSTRIA:
GEROLD & COMPANY, Graben 31, Wien, I.
GEORG FROMME & CO., Spengergasse 39, Wien, V.

BELGIUM:
AGENCE ET MESSAGERIES DE LA PRESSE, S. A.
14-22, rue du Persil, Bruxelles.

BULGARIA:
RAZNOÏZNOS, 1, Tzar Assen, Sofia.

CYPRUS: PAN PUBLISHING HOUSE
10 Alexander the Great Street, Strovolos.

CZECHOSLOVAKIA:
ARTIA LTD., 30 ve Smečkách, Praha, 2.

DENMARK: EJNAR MUNKSGAARD, LTD.
Nørregade 6, København, K.

FINLAND: AKATEEMINEN KIRJAKAUPPA
2 Keskuskatu, Helsinki.

FRANCE: ÉDITIONS A. PEDONE
13, rue Soufflot, Paris (Ve).

GERMANY, FEDERAL REPUBLIC OF:
R. EISENSCHMIDT
Schwanthaler Str. 59, Frankfurt/Main.
ELWERT UND MEURER
Hauptstrasse 101, Berlin-Schöneberg.
ALEXANDER HORN, Spiegelgasse 9, Wiesbaden.
W. E. SAARBACH, Gertrudenstrasse 30, Köln (1).

GREECE: KAUFFMANN BOOKSHOP
28 Stadion Street, Athens.

HUNGARY: KULTURA, P. O. Box 149, Budapest 62.

ICELAND: BÓKAVERZLUN SIGFÚSAR
EYMUNDSSONAR H. F., Austurstraeti 18, Reykjavik.

IRELAND: STATIONERY OFFICE, Dublin.

ITALY: LIBRERIA COMMISSIONARIA SANSONI
Via Gino Capponi 26, Firenze,
and Via Paolo Mercuri 19/B, Roma.
AGENZIA E.I.O.U., Via Meravigli 16, Milano.

LUXEMBOURG:
LIBRAIRIE J. TRAUSCHSCHUMMER
Place du Théâtre, Luxembourg.

NETHERLANDS: N. V. MARTINUS NIJHOFF
Lange Voorhout 9, 's-Gravenhage.

NORWAY: JOHAN GRUNDT TANUM
Karl Johansgate, 41, Oslo.

POLAND: PAN, Pałac Kultury i Nauki, Warszawa.

PORTUGAL: LIVRARIA RODRIGUES Y CIA.
186 Rua Aurea, Lisboa.

ROMANIA: CARTIMEX, Str. Aristide Briand 14-18,
P. O. Box 134-135, Bucuresti.

SPAIN: AGUILAR S.A. DE EDICIONES
Juan Bravo 38, Madrid 6.
LIBRERIA BOSCH
Ronda Universidad 11, Barcelona.
LIBRERIA MUNDI-PRENSA, Castelló 37, Madrid.

SWEDEN:
C. E. FRITZE'S KUNGL. HOVBOKHANDEL A-B
Fredsgatan 2, Stockholm.

SWITZERLAND:
LIBRAIRIE PAYOT, S. A., Lausanne, Genève.
HANS RAUNHARDT, Kirchgasse 17, Zürich 1.

TURKEY: LIBRAIRIE HACHETTE
469 Istiklal Caddesi, Beyoglu, Istanbul.

UNION OF SOVIET SOCIALIST REPUBLICS:
MEZHDUNARODNAYA KNYIGA
Smolenskaya Ploshchad, Moskva.

UNITED KINGDOM:
H. M. STATIONERY OFFICE, P. O. Box 569, London, S.E. 1
(and HMSO branches in Belfast, Birmingham,
Bristol, Cardiff, Edinburgh, Manchester).

YUGOSLAVIA:
CANKARJEVA ZALOŽBA, Ljubljana, Slovenia.
DRŽAVNO PREDUZEĆE
Jugoslovenska Knjiga, Terazije 27/11, Beograd.
PROSVJETA, 5, Trg Bratstva i Jedinstva, Zagreb.
PROSVETA PUBLISHING HOUSE
Import-Export Division, P. O. Box 559,
Terazije 16/1, Beograd.

LATIN AMERICA

ARGENTINA: EDITORIAL SUDAMERICANA, S. A.
Alsina 500, Buenos Aires.

BOLIVIA: LIBRERIA SELECCIONES, Casilla 972, La Paz.
LOS AMIGOS DEL LIBRO
Calle Perú esq. España, Casilla 450, Cochabamba.

BRAZIL:
LIVRARIA AGIR
Rua Mexico 98-B, Caixa Postal 3291, Rio de Janeiro.
LIVRARIA FREITAS BASTOS, S. A.
Caixa Postal 899, Rio de Janeiro.
LIVRARIA KOSMOS EDITORA
Rua Rosario 135/137, Rio de Janeiro.

CHILE:
EDITORIAL DEL PACIFICO, Ahumada 57, Santiago.
LIBRERIA IVENS, Casilla 205, Santiago.

COLOMBIA:
LIBRERIA AMERICA, Calle 51 Núm. 49-58, Medellin.
LIBRERIA BUCHHOLZ, Av. Jiménez de Quesada 8-40, Bogotá.

COSTA RICA: IMPRENTA Y LIBRERIA TREJOS
Apartado 1313, San José.

CUBA: CUBARTIMPEX, Apartado Postal 6540, La Habana.

DOMINICAN REPUBLIC: LIBRERIA DOMINICANA
Mercedes 49, Santo Domingo.

ECUADOR:
LIBRERIA CIENTIFICA, Casilla 362, Guayaquil.
LIBRERIA UNIVERSITARIA, Calle García Moreno 739, Quito.

EL SALVADOR:
LIBRERIA CULTURAL SALVADOREÑA
2a. Av. Sur, San Salvador.
MANUEL NAVAS Y CIA.
1a. Avenida Sur 37, San Salvador.

GUATEMALA:
LIBRERIA CERVANTES, 5a. Av. 9 39, Zona 1, Guatemala.
SOCIEDAD ECONOMICA-FINANCIERA
6a. Av. 14-33, Guatemala.

HAITI: LIBRAIRIE "À LA CARAVELLE", Port-au-Prince.

HONDURAS: LIBRERIA PANAMERICANA, Tegucigalpa.

MEXICO: EDITORIAL HERMES, S. A.
Ignacio Mariscal 41, México, D. F.

PANAMA: JOSE MENENDEZ
Agencia Internacional de Publicaciones,
Apartado 2052, Av. 8A Sur 21-58, Panamá.

PARAGUAY:
AGENCIA DE LIBRERIAS DE SALVADOR NIZZA
Calle Pte. Franco No. 39-43, Asunción.

PERU:
LIBRERIA INTERNACIONAL DEL PERU, S. A.
Casilla 1417, Lima.
LIBRERIA STUDIUM S. A.
Amargura 939, Apartado 2139, Lima.

URUGUAY: LIBRERIA RAFAEL BARRETT
Ramón Anador 4030, Montevideo.
REPRESENTACION DE EDITORIALES,
PROF. H. D'ELIA
Plaza Cagancha 1342, 1° piso, Montevideo.

VENEZUELA: LIBRERIA DEL ESTE
Av. Miranda, No. 52, Edf. Galipán, Caracas.

MIDDLE EAST

IRAN: MEHR AYIN BOOKSHOP
Abbas Abad Avenue, Isfahan.

IRAQ: MACKENZIE'S BOOKSHOP, Baghdad.

ISRAEL: BLUMSTEIN'S BOOKSTORES
35 Allenby Rd. and 48 Nachlat Benjamin St., Tel Aviv.

JORDAN: JOSEPH I. BAHOUS & CO.
Dar-ul-Kutub, Box 66, Amman.

LEBANON: KHAYAT'S COLLEGE BOOK COOPERATIVE
92-94, rue Bliss, Beirut.

NORTH AMERICA

CANADA:
THE QUEEN'S PRINTER/L'IMPRIMEUR DE LA REINE
Ottawa, Ontario.

UNITED STATES OF AMERICA:
SALES SECTION, UNITED NATIONS, New York.

Puerto Rico:
PAN AMERICAN BOOK CO., P. O. Box 3511, San Juan 17.
BOOKSTORE, UNIVERSITY OF PUERTO RICO, Rio Piedras.

OCEANIA

AUSTRALIA:
U. N. ASSOCIATION OF AUSTRALIA
McEwan House, 343 Little Collins St., Melbourne C.1, Vic.
WEA BOOKROOM, University, Adelaide, S.A.
UNIVERSITY BOOKSHOP, St. Lucia, Brisbane, Qld.
THE EDUCATIONAL AND TECHNICAL BOOK AGENCY
Parap Shopping Centre, Darwin, N.T.
COLLINS BOOK DEPOT PTY. LTD.
Monash University, Wellington Road, Clayton, Vic.
COLLINS BOOK DEPOT PTY. LTD.
363 Swanston Street, Melbourne, Vic.
THE UNIVERSITY BOOKSHOP, Nedlands, W.A.
UNIVERSITY BOOKROOM
University of Melbourne, Parkville N.2, Vic.
UNIVERSITY CO-OPERATIVE BOOKSHOP LIMITED
Manning Road, University of Sydney, N.S.W.

NEW ZEALAND:
GOVERNMENT PRINTING OFFICE
Private Bag, Wellington (and Government Bookshops in
Auckland, Christchurch and Dunedin).

WEST INDIES

BERMUDA: BERMUDA BOOK STORES
Reid and Burnaby Streets, Hamilton.

BRITISH GUIANA: BOOKERS STORES, LTD.
20-23 Church Street, Georgetown.

CURAÇAO, N.W.I.:
BOEKHANDEL SALAS, P. O. Box 44.

JAMAICA: SANGSTERS BOOK ROOM
91 Harbour Street, Kingston.

TRINIDAD AND TOBAGO:
CAMPBELL BOOKER LTD., Port of Spain.

[64E1]

United Nations publications may be purchased or ordered from booksellers throughout the world and paid for in local currency. For further information write to United Nations, Sales Section, New York, N. Y. 10017, or to United Nations, Sales Section, Palais des Nations, Geneva, Switzerland.

Printed in France
28090—Dec. 1964—2,600

Price: $U.S. 3.50
(or equivalent in other currencies)

United Nations publication
Sales No.: 63.XI.5