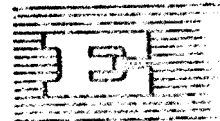


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COMMISSION ON NARCOTIC DRUGS

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND SIXTY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 21 April 1952, at 2.30 p.m.

CONTENTS:

The proposed single convention on narcotic drugs (E/CN.7/AC.3/1,
E/CN.7/AC.3/2, E/CN.7/AC.3/3, E/CN.7/AC.3/4, E/CN.7/AC.3/4/Rev.1,
E/CN.7/AC.3/5, E/CN.7/3/5/Corr.1) (continued)

<u>Chairman:</u>	Mr. RABASA	Mexico
<u>Rapporteur:</u>	Mr. NIKOLIC	Yugoslavia
<u>Members:</u>	Mr. SHARMAN	Canada
	Mr. HSIA	China
	Mr. MAHMOUD	Egypt
	Mr. VAILLE	France
	Mr. KRISHNAMOORTHY	India
	Mr. ABDOH)	Iran
<u>later:</u>	Mr. ARDALAN)	
	Mr. KRUYSSSE	Netherlands
	Mr. AVALOS	Peru

Members (continued):

Mrs. MELCHIOR	Poland
Mr. OR	Turkey
Mr. ZAKUSOV	Union of Soviet Socialist Republics
Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
Mr. ANSLINGER	United States of America

Observers:

Mr. DOSI	Italy
Mr. WAGNIERE	Switzerland

Also present:

Mr. MAY	Permanent Central Opium Board
Dr. WOLFF	World Health Organization
Mr. MARABUTO	International Criminal Police Commission

Secretariat:

Mr. LANDE	Division of Narcotic Drugs
Mr. BOLTON	Secretary of the Commission

THE PROPOSED SINGLE CONVENTION ON NARCOTIC DRUGS (E/CN.7/AC.3/1, E/CN.7/AC.3/2, E/CN.7/AC.3/3, E/CN.7/AC.3/4, E/CN.7/AC.3/4/Rev.1, E/CN.7/AC.3/5, E/CN.3/5/Corr.1) (continued)

The CHAIRMAN suggested that, as it would be impossible for the Commission to complete the discussion of the draft single convention at its present session, it should study as many sections as possible during the week ending 25 April, and then adjourn discussion of the remaining sections until the following session. Members should make definite proposals on each section discussed and all decisions should then be transmitted to the Drafting Committee.

Mr. KRUYSSSE (Netherlands) suggested that members should confine their remarks to questions of substance and should examine the most important sections of the draft, such as the single secretariat, the estimates system, /the international

the international clearing house, the powers of the Board, penal provisions, the relationship between the new convention and the 1925 and 1931 Conventions and the obligations of the parties to the convention. The minor details of the draft could be discussed at the proposed international conference.

Mr. VAILLE (France) thought that the Commission should continue to discuss the draft single convention section by section, concentrating on substance rather than style. He suggested the deletion of the phrase "of international and/or domestic control" in section 2, paragraph 1.

Mr. ANSLINGER (United States of America) concurred in the view that the Commission should adhere to its original decision to discuss each section of the draft single convention.

It was so decided.

Chapter II - Scope of the Convention

Section 2 - Substances under control (continued)

Mr. OR (Turkey) questioned the use of the word "drug", as it did not mean "narcotic" in English or in French, and asked whether the Secretariat had prepared Schedules A, B and C.

Mr. SHARMAN (Canada) pointed out that the word "drug" was defined in chapter I and said that the Commission should discuss that chapter in order that members might know the meaning of the terms used in the draft single convention.

The CHAIRMAN reminded the Commission that it had already decided to examine chapter I last.

Dr. WOLFF (World Health Organization), referring to the use of the word "substances" in the English and French texts of section 2, pointed out that the word meant "chemical compounds" in English and "preparations" in French.

/Mr. VAILLE

Mr. VAILLE (France), supporting the representative of WHO, suggested that the word "produits" should replace the word "substances" in the French text.

Mr. KRUYSSSE (Netherlands) suggested the deletion of the word "substances". If, however, it was retained, it should be clearly defined in section 1.

Mr. LANDE (Secretariat) said that it would be unnecessary to define the word "substances", provided that all substances under control were exhaustively enumerated in the convention.

Mr. ANSLINGER (United States of America) said that the last sentence of paragraph 3 should be clarified.

The CHAIRMAN replied that the United States representative's suggestion would be noted by the Drafting Committee.

He read the following revised draft of section 2, paragraph 1:

"1. The draft shall include a schedule enumerating such substances as codeine and dionine and providing that these substances shall be exempted from the same control provisions as they are exempted under existing conventions."

Dr. WOLFF (World Health Organization) thought that "dionine" was a proprietary name, and pointed out that the term "ethylmorphine" had been used in previous conventions.

Mr. LANDE (Secretariat) said that the appropriate name for the drug in question would be given in the final draft.

The CHAIRMAN read the following revised draft of section 2, paragraphs 2 and 3;

"2. There shall be an additional schedule listing all preparations which are exempt from control.

"3. There shall be no separate schedule listing plants, parts of plants and other substances."

Mr. LANDE (Secretariat) suggested that the opium poppy, the coca bush, the Indian hemp plant and perhaps poppy straw should be listed in paragraph 2 of section 2, if the Commission decided to abolish Schedule B. /Dr. WOLFF

Dr. WOLFF (World Health Organization) asked in what circumstances exemptions would be granted.

Mr. ANSLINGER (United States of America) said that specific exemptions were set forth in the draft single convention.

Mr. LANDE (Secretariat) said the grounds on which preparations might be exempted from control might be specified in the draft if the Commission so wished.

Mr. KRUYSSSE (Netherlands) said that from a pharmacological and pharmaceutical point of view there was no difference between a drug and the plants or parts of plants from which it was produced. He understood that coca leaf and Indian hemp would be listed under schedule A, and thought the Commission had decided at the previous meeting not to refer to groups of drugs in section 2. The United States representative's remarks on that question should be studied by the Drafting Committee.

Mr. LANDE (Secretariat) said that, in addition to the parts of plants mentioned by the Netherlands representative which might be listed among the drugs the new convention would place under control the cultivation of the opium poppy plant, the coca bush and the Indian hemp plant if those plants were to be used for the production of drugs. The plants while in the fields could hardly be considered to be "drugs". Poppy straw should not be listed under drugs because not all control measures applying to drugs could properly be applied to that product.

Dr. WOLFF (World Health Organization) said that any plant used for pharmacological or pharmaceutical purposes was a drug.

Mr. VAILLE (France) agreed with the points made by Mr. Lande. He proposed that the Commission should maintain the differences between the 1925 and 1931 Conventions and not reduce the extent of control now applied to such substances as codeine.

/Mr. KRUYSSSE

Mr. KRUYSE (Netherlands) felt that plants should be listed under both schedule A and schedule B.

Mr. ANSLINGER (United States of America) suggested that the Drafting Committee should draw up a definition of plants and parts of plants.

The CHAIRMAN said the Commission would take a decision on the subject after consideration of the definition to be produced by the Drafting Committee.

Mr. VAILLE (France) suggested that the Commission should decide that a list of the products subject to control be annexed to the Convention.

Mr. OR (Turkey) and Mr. WALKER (United Kingdom) supported the French proposal.

The CHAIRMAN said the Drafting Committee would note the proposal.

Section 3

Mr. ZAKUSOV (Union of Soviet Socialist Republics) said his delegation would object to the inclusion in the convention of provisions relating to the International Drug Commission. That body would be a functional commission of the Economic and Social Council and as such derive its powers from the United Nations, and not from parties to the convention.

Mr. VAILLE (France) pointed out that the situation was the same in regard to existing conventions referring to the Commission on Narcotic Drugs, to which the USSR Government had adhered.

Mr. MAY (Permanent Central Opium Board) said there were certain anomalies in all the international conventions on narcotics. Originally, the conventions had conferred certain powers on the Secretariat and the Council of the League of Nations, which powers had been transferred to the United Nations upon the dissolution of the League. Moreover the 1931 Convention mentioned the Opium Advisory Committee of the League, the predecessor of the Commission on Narcotic Drugs. It was therefore difficult to see how the situation referred to by the USSR representative could be avoided so long as all parties to the convention were not also members of the United Nations.

/There

There was a further anomaly in that the convention did not provide for the compulsory establishment of an International Drug Commission. In discussing the functions of the Commission, therefore, it would have to be decided whether it should be a treaty commission or a subsidiary body of the Economic and Social Council. If it were the latter, provision must be made in the convention for its appointment by the Council.

Mr. KRUYSSSE (Netherlands) felt that the Commission should remain an organ of the United Nations. Its existence should not be dependent on the convention. It was, however, possible to mention the Commission in the convention, since parties to the convention might agree to entrust certain powers to the Commission.

Mr. MAY (Permanent Central Opium Board) said that, if the Commission was referred to in the convention, provision should be made for its continuation so long as the convention remained in force. There should be no danger that the Commission might be discontinued by the Council while still entrusted with certain functions under the convention.

Mr. VAILLE (France) fully agreed with the representative of the Permanent Central Opium Board. Provision for everything necessary for the application of the convention must be included in it.

Mr. LANDE (Secretariat) said that the Secretariat when preparing the draft had considered two different views: (a) that the Commission should not be dependent on the existence of the United Nations; and (b) that the existing situation, in which the Commission was a functional Commission of the Council, should be continued. It had been decided to adopt the second system, but provision for the Commission's continuity of function had been made in section 8.

Mr. KRISHNAMOORTHY (India) supported the view of the representative of the Permanent Central Opium Board. A provision should be included in the convention itself defining the status of the International Drug Commission

/as a

as a body appointed by the Economic and Social Council. In order to ensure the continued application of the principles at present observed in the nomination of members of the Commission by the Council, some means should be found to incorporate the footnote to section 8 in the body of the convention.

Mr. KNUYSSE (Netherlands) did not agree with the representatives of France, India and the Permanent Central Opium Board. It was essential that the Commission should continue to exist and should perform its functions under the convention. However, when the convention came into force after ratification previous conventions would for some time still be applied. The result might be that the Commission would be so fully occupied in performing its conventional functions, that the United Nations might find it necessary to appoint another body to perform its other duties.

The CHAIRMAN thought that the Netherlands representative had raised a very important point of principle; however, he felt that it would be more appropriate to take a decision on it when discussing Chapter IV of the draft convention. The Commission's decisions would be subject to review by the Council and could be modified should the Council feel that the Commission had overstepped its authority.

Mr. VAILLE (France), commenting on Section 3, said it gave the Commission excessive and not sufficiently specific powers. It should be made obligatory for certain decisions taken by the Commission to be subject to review by the Council, and the latter should constitute a kind of court of appeal. It should also be understood that WHO would be consulted with regard to substances to be inserted in the schedule, although, as indicated in the written observations of the United States, the Commission should be authorized to make decisions with respect to a new drug which would be binding provisionally on the parties, as provided in article 2 of the 1948 Protocol.

Paragraph 3 of section 3 would allow different countries to adopt different decisions with regard to the application of control to any specific drug. When a decision had been taken by the International Drug Commission and ratified by the Council, it should be binding upon every country, on the understanding, however, that prohibition of the use of a certain drug would be a matter for each individual country to decide. Should a decision to that effect be adopted, paragraph 5 of section 3 would become unnecessary, since it merely stated what was the undoubted right of any Government.

Mr. KRUYSSSE (Netherlands) agreed that in its present wording section 3, paragraph 1 (a), was far from clear. Anyone reading the phrase "for such control measures within the framework of the present convention or for such adaptation of these control measures as it may deem fit in the light of the particular circumstances", would find it difficult to know what type of control measures to expect. He thought therefore that the Commission should either delete those words or state in detail what control measures could be applied to new drugs. He doubted, however, whether the proposed international drug commission could go too far, particularly as, in accordance with the provisions of section 12, its decisions were subject to review by the Economic and Social Council and the General Assembly.

His Government had already expressed the view that the Commission's decisions must be binding on all countries in regard to the international trade in drugs. The Netherlands would, however, accept the French representative's proposal that all decisions of the Commission should be obligatory, as that would promote the uniform application of the convention. He also agreed that if that proposal were adopted, section 3, paragraph 5, would be superfluous and should be deleted.

Mr. SHARMAN (Canada) wondered whether the provisions of section 3 were a new concept or whether they merely codified existing law.

Mr. LANDE (Secretariat) said that section 3 introduced an innovation by substituting the Commission for the World Health Organization as the international organ charged with placing new drugs under control and with exempting preparations from control.

/Under

Under the 1948 Protocol, the Commission could provisionally place drugs under control pending the decision of WHO. The Secretariat followed the views of several members of the Commission when proceeding from the assumption that the placement of new drugs under control and the exemption of preparations involved not only questions of a medical or pharmaceutical nature, but also complicated administrative problems. The Commission when placing a drug under control or exempting a preparation would be required to consult WHO in accordance with section 12, paragraph 2, of the draft.

Mr. Lande referred to the procedure under the League of Nations, when the decisions in question were taken by the Health Committee of the League in consultation with the Office International d'Hygiène Publique.

Mr. VAILLE (France) pointed out that the present draft provided that if the Economic and Social Council, took no action with regard to a decision of the Commission, it would give its tacit approval thereto. His Government, however, thought that the Council should express a definite opinion one way or the other in such matters. Secondly, it felt that some form of appeal from the commission's decisions should be provided, particularly for those countries which were not members of the Economic and Social Council.

Lastly, he thought that the type of commission proposed in the draft convention was satisfactory, but that schedules subject to amendment by the commission in consultation with WHO should be included in section 2.

In reply to Dr. WOLFF (World Health Organization), the CHAIRMAN suggested that the WHO representative should comment on his Organization's role under the convention during the debate on section 12.

Dr. WOLFF (World Health Organization) said in connexion with section 2 that in WHO's experience the lists of exemptions contained in existing Conventions had been most useful, and that his organization hoped the proposed single convention would specifically list any exemptions which were deemed necessary.

/Mr. KRUYSSSE

Mr. KRUYSSSE (Netherlands) thought it would be useful to include the definition of the term "drug" in section 3, paragraph 1 (a), for the substance of the definition was important enough to be included in the body of the convention.

The CHAIRMAN asked the Drafting Committee to note that suggestion.

The meeting rose at 4.25 p.m.