

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.7/SR.277  
23 May 1955  
ENGLISH  
ORIGINAL: FRENCH

DOCUMENTS  
INDEX UNIT MASTER  
MAY 26 1955

COMMISSION ON NARCOTIC DRUGS

Tenth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-SEVENTH MEETING

Held at Headquarters, New York,  
on Thursday, 28 April 1955, at 11.20 a.m.

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E/CN.7/L.85, L.101, L.105) (continued)

PRESENT:

<u>Chairman:</u>	Mr. VAILLE	France
<u>Rapporteur:</u>	Mr. SALDANHA	India
<u>Members:</u>	Mr. HOSSICK	Canada
	Mr. TSAO	China
	Mr. LABIB	Egypt
	Mr. PANCPOULOS	Greece
	Mr. ARDALAN	Iran
	Mr. CALLE y CALLE	Peru
	Mr. FORYS	Poland
	Mr. OZKOL	Turkey
	Miss VASILYEVA	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. TENNYSON	United States of America
	Mr. NIKOLIC	Yugoslavia
<u>Observers:</u>	Mr. TABIBI	Afghanistan
	Mr. WOULBROUN	Belgium
	Mr. DANNER	Federal Republic of Germany
	Mr. TANCREDI	Italy
	Miss YAMANE	Japan
	Mr. GRANDJEAN )	Switzerland
	Dr. WEISFLOG )	
<u>Also present:</u>	Mr. MAY )	Permanent Central Opium Board
	Mr. ATZENWILER )	

Representative of a specialized agency:

Dr. HALBACH	World Health Organization
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Representatives of non-governmental organizations:Category B and register:

Mr. NEPOTE	International Criminal Police Commission
Mr. PENCE	World's Alliance of Young Men's Christian Associations
<u>Secretariat:</u>	
Mr. YATES	Director of the Division of Narcotic Drugs
Mr. PASTUHOV	Secretary of the Commission

THE PROPOSED SINGLE CONVENTION ON NARCOTIC DRUGS (E/CN.7/AC.3/3, E/CN.7/L.85, L.101, L.105) (continued)

Proposed provisions on synthetic drugs (continued)

The CHAIRMAN asked the Turkish representative to introduce his draft sections on control of synthetic drugs (E/CN.7/L.101).

Mr. OZKOL (Turkey) did not consider it necessary to repeat the arguments which he had given in detail at the preceding meeting in connexion with the Yugoslav draft resolution (E/CN.7/L.102), although all those arguments held good for the draft in document E/CN.7/L.101. Synthetic drugs should be controlled and, if necessary, prohibited.

Before the Commission began to discuss his proposal, he would like to know whether or not the amendment submitted by the United States (E/CN.7/L.105) would be adopted by the Commission. Its adoption would deprive the Turkish proposal of any value, for the amendment left the parties absolutely free not to apply the provisions on synthetic drugs, and he would then be obliged to vote against his own proposal.

The CHAIRMAN pointed out that, in accordance with the rules of procedure, the proposal must be considered before the amendment; the amendment, which related to section 2 of the Turkish proposal and not to paragraph 5, as stated in the document, would of course be put to the vote before the text of section 2.

Mr. NIKOLIC (Yugoslavia) said that, as his draft resolution had been rejected, he would vote for the Turkish proposal, although the control provided for in that draft was less strict than that proposed by the Yugoslav delegation.

The CHAIRMAN called upon the Commission to examine the Turkish proposal section by section.

Section 1 - Definitions

Mr. PANOFIULOS (Greece) did not consider that the definition of the term "synthetic drug" in the Turkish draft was quite accurate, for some synthetic drugs were obtained from morphine and opium derivatives. It would be better to say: "any drug which is not mentioned in the 1931 Convention". A distinction would thus be established between the substances designated as narcotic drugs in the 1931 Convention and any new synthetic substances discovered since 1931, whether they were derived from morphine or from other substances. The definition would thus be a legal, and not a scientific, one.

Mr. TENNYSON (United States of America) proposed that the words "directly or indirectly" should be inserted after the word "obtained".

The CHAIRMAN pointed out that the definition in the Turkish proposal already appeared in the document prepared by the Secretariat (E/CN.7/L.85, paragraph 3). He drew the Commission's attention to heroin, which was prepared from morphine, a substance which was itself derived from the opium poppy. Neither heroin nor myristil ester of benzylmorphine should fall within the definition of synthetic drugs.

Dr. HALBACH (World Health Organization) did not consider it necessary to add the words "directly or indirectly".

Mr. WALKER (United Kingdom) thought that the United States amendment was useful, for it clearly showed that heroin should not be regarded as a synthetic drug. All the members of the Commission seemed to be agreed on the principle and the matter was now one of drafting only.

Mr. NIKOLIC (Yugoslavia) shared the United Kingdom representative's views.

Mr. LANDE (Secretariat) explained that the term "synthetic drugs" was rather difficult to define, for various reasons. The definition should not apply to such substances as heroin, which were obtained indirectly from the opium poppy, nor to such substances as synthetic morphine, which might become very important in the future. The Commission's views on the subject were quite clear and the Secretariat would endeavour to include in the revised draft a definition corresponding to those views.

The CHAIRMAN proposed that a vote of principle should be taken on the definition, on the understanding that the Secretariat would be responsible for drafting the text of the section.

The proposal was adopted by 14 votes to 1.

Mr. OZKOL (Turkey) said that he had voted in order to convey his approval of the definition, but with the reservation that he had just made on the draft as a whole.

## Section 2

The CHAIRMAN pointed out that the United States delegation had submitted an amendment (E/CN.7/L.105) to that section.

Mr. NIKOLIC (Yugoslavia) pointed out that if the Commission adopted the United States amendment, the Turkish proposal would become meaningless. There seemed to be no point in adopting a text on the control of synthetic drugs, if it was then said that everyone was free to accept or not to accept the provisions. It would be better to admit that the Commission did not wish to provide for any control of synthetic drugs in the single convention. There was no need to include such a text in a convention. The Yugoslav delegation would therefore vote against the United States amendment.

Mr. OZKOL (Turkey) reiterated his view that the United States amendment was unacceptable, since it completely changed the meaning of the Turkish draft. It gave each State absolute freedom to refuse, within sixty days or even longer, to apply the provisions of section 2 to certain drugs, or even to all synthetic drugs. It was absolutely useless to attempt to provide for control if States were to be given the option of not applying such control.

Mr. HOSSICK (Canada) unreservedly supported the United States amendment.

Mr. ARDALAN (Iran) agreed with the Turkish and Yugoslav representatives that international control should be provided for synthetic drugs. The Yugoslav proposal had been somewhat too strict but the Turkish proposal seemed to be quite acceptable.

Mr. WALKER (United Kingdom) would have preferred the Commission to confine itself to the principles and proposals adopted at its seventh session and set out in the Secretariat paper (E/CN.7/AC.3/6). He would nevertheless accept, as the lesser evil, the United States amendments to the Turkish proposals concerning section 2. He would even be prepared to vote for a still more specific wording which would require a Government which saw fit to advise the Secretary-General that it could not agree to prohibit a particular substance to give the reasons for its decision. Even worded in that way, the amendments would have the merit of safeguarding the inalienable right - already recognized with respect to natural narcotic drugs - of the medical profession of each country to prescribe whatever medicaments it judged necessary.

He had already pointed out the day before that Governments could not in all conscience jeopardize that right, except in extreme cases and with the consent of the medical profession, and that there was consequently even less reason to confer that authority upon an international organ, however competent it might be. To do so, moreover, would be to impose upon the organ concerned a very heavy responsibility, which it might not even be in a position to assume.

Mr. DANNER (Observer for the Federal Republic of Germany), referring to the proposal in document E/CN.7/L.101 with respect to section 2(a), thought that the Commission should define what it meant by "particularly dangerous drugs". The best method might be the adoption of a comparative definition.

The Turkish proposals concerning section 3 were unduly rigid. While a Party to the Convention might draw the attention of the other parties and of WHO to the dangerous properties of a particular substance and request an investigation in the matter, the opinion of a Government should never be binding upon the other parties. The proposals concerning section 3 should therefore be relaxed.

The CHAIRMAN pointed out that the Turkish proposals with respect to section 3 were consistent with the decisions which the Commission had adopted at its ninth session. With regard to section 2, the Commission had agreed for the moment to leave all questions of definition to the Secretariat. Speaking as the representative of France, he added that, as he had said before, no definition was possible in the case of narcotic drugs beyond a reference to the various schedules.

Mr. WEISFLOG (Observer for Switzerland) agreed with the United Kingdom representative that the rights of the medical profession must be safeguarded. Doctors had heavy responsibilities, and their hands should not be tied. It was inevitable that there should be a few exceptional cases of physicians abusing their rights but the best way to guard against that danger was not by legislative restrictions but by an unremitting effort to raise the standards of the medical profession to an ever higher level. The State should not intervene to prohibit the medical use of a drug unless it had statistical data establishing beyond doubt that the drug constituted a real danger to the community. That argument was equally valid at the international level. Switzerland was therefore prepared to consider favourably prohibition of the production and manufacture of and trade in the narcotic drugs listed in schedule IV in accordance with the provisions of paragraph 5 (b) of section 2 as set out in document E/CN.7/AC.3/6.

Mr. OZKOL (Turkey) said that if the freedom of the medical profession was to prevail over the judgment of international organizations, as the United Kingdom representative wished, international agreements on narcotic drugs would no longer be effective, for there would always be exceptions.

Mr. WALKER (United Kingdom), explaining his position, referred to the WHO resolution concerning the prohibition of the use of heroin. The United Kingdom Government had been very slow in subscribing to that resolution, for it had not wished to commit itself without the consent of the medical profession. The French Government had not accepted the resolution, because the medical profession had been of the view that it could not dispense with the use of that substance. The other States had respected France's decision, which it had had every right to take.

Mr. NIKOLIC (Yugoslavia) felt that there was a lack of logic in the development of the Commission's work. It had so far concentrated upon the drafting of international legislation designed to codify to some extent the national legislation of various countries. Action had been taken along those lines with respect to the campaign against drug addiction and the question of natural narcotic drugs such as opium, morphine and cannabis. Those questions, however, were already governed by national legislation, since no Government wished to endanger the life and health of its nationals. The Governments had undertaken the moral obligation to respect those provisions. The Commission had even gone a step further: it had been proposed that in addition to regulations governing the use of certain substances the method by which physicians made out their prescriptions should be regulated. There had been talk of the counterfoil system. Now that it was a question of synthetic narcotic drugs, there was a change of attitude: respect for the freedom of the medical profession became the matter of paramount importance. The United States had proposed amendments which would vitiate the Turkish proposals and were therefore unacceptable; nevertheless, he had at least given the reasons for his attitude, whereas some delegations had supported the amendments, with a varying degree of enthusiasm



(Mr. Nikolic, Yugoslavia)

but without adducing adequate arguments in support of their position. To be logical, there should either be similar measures adopted for all narcotic drugs, whether synthetic or natural, or the attempt to draft any international legislation on the subject should be abandoned.

Mr. WALKER (United Kingdom) felt obliged, after the Yugoslav representative's statement, to explain that he had made a clear distinction between prohibition and regulation. He had never meant that the medical profession should be allowed complete freedom of action but he had stressed that the Government should not intervene except in cases of abuse. To return to the resolutions of WHO and the Council on heroin, he had consulted the medical profession through the United Kingdom Ministry of Health and since the medical profession had said that it was able to dispense with the drug, he had been able to follow the Council's recommendation. The provisions concerning cannabis had not been accepted so far by the United Kingdom, which would nevertheless be able to subscribe to those set out in the single convention since the use of cannabis had been virtually discontinued by the medical profession in the United Kingdom. He still considered that in every case the normal procedure was to obtain the consent of the medical profession before taking decisions concerning substances used in medicine, the more so when it was a question of international commitments. No one had the right to say that the United Kingdom Government was not prepared to face its responsibilities.

The CHAIRMAN, speaking as the representative of France, said that pethidine hydrochloride was the only synthetic narcotic drug used in France. Having voluntarily adopted that restriction, France was compelled to use heroin in the treatment of certain diseases, particularly cancer, for which morphine and pethidine hydrochloride were inadequate. He stressed that the use of heroin did not bring about an illicit traffic in the drug, whereas in the countries in which the use of heroin was prohibited addiction to heroin and to the synthetic narcotic drugs proper had developed. In view of the strict

(The Chairman)

provisions of section 2 of the Turkish proposal, the inclusion of heroin in schedule IV might cause considerable difficulties in the treatment of cancer and in other medical uses of heroin in France. Nevertheless, despite those difficulties he would vote against the United States amendment, in the interest of international co-operation.

Mr. OZKOL (Turkey) said that he had not intended to question the United Kingdom attitude. He would have no objection to the United Kingdom's consulting the medical profession with regard to synthetic narcotic drugs, as it had done in the case of cannabis. What he was asking was that the same policy should be adopted for natural and for synthetic narcotic drugs.

Mr. NIKOLIC (Yugoslavia) said that his statement had not been aimed at the United Kingdom. Furthermore, he had not spoken of heroin, but of cannabis.

The CHAIRMAN put to the vote the United States amendment (E/CN.7/L.105) to the Turkish proposal.

At the request of the representative of Turkey, a vote was taken by roll-call.

Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Canada, China, Mexico.

Against: Turkey, Yugoslavia, Egypt, France, Greece, India, Iran, Peru.

Abstaining: None.

The United States amendment was rejected by 8 votes to 7.

The CHAIRMAN put to the vote section 2 of the Turkish proposal (E/CN.7/L.101), on the understanding that the decision would concern the principle and not the wording of the text.

Section 2 of the Turkish proposal was adopted by 10 votes to none, with 4 abstentions.

### Section 3

The CHAIRMAN invited the Commission to consider section 3 of the Turkish proposal (E/CN.7/L.101), beginning with the United States' amendment to paragraph 1 (E/CN.7/L.104).

Mr. TENNYSON (United States of America) said that the amendment was intended to simplify the wording of the paragraph and to allow for the possibility of converting one substance into another capable of giving rise to abuse and producing ill effects. That was true, for example, of beta-methadol, which was not addiction-producing but which could be converted into beta-acetomethadol, a substance which had addiction-producing properties.

Mr. LANDE (Secretariat) pointed out that the addition of the words "or in schedule II" after the words "the drugs listed in schedule I" did not enlarge the scope of Section 3, paragraph 1, of the Turkish proposal, since, according to an earlier decision of the Commission, schedule I, part 1, would contain all drugs under international control, including those in schedule II, which would contain such drugs as codeine considered not addiction-producing by themselves but convertible into addiction-producing drugs.

The CHAIRMAN put to the vote the United States amendment (E/CN.7/L.104).  
The United States amendment was adopted by 8 votes to none, with 6 abstentions.

The CHAIRMAN put to the vote section 3 of the Turkish proposal, as amended, on the understanding that the decision concerned the principle and not the wording of the text.

Section 3, as amended, was adopted by 14 votes to none, with 1 abstention.

Section 39 bis

The CHAIRMAN invited the Commission to consider section 39 bis, which complied with the Commission's decision to draft a special section on synthetic drugs.

Mr. PASTUHOV (Secretary of the Commission) read out a drafting change in paragraph 1.

Mr. MAY (Permanent Central Opium Board) questioned whether the Supervisory Body would wish to accept the responsibility given to it in section 39 bis, paragraph 1. The application of that paragraph would mean that the Supervisory Body would have first to ascertain that a country or a territory could not obtain the quantities of synthetic drugs which it needed for medical purposes, and then to decide what transactions were necessary to enable the country to meet its medical needs. He doubted whether the Supervisory Body had at its disposal the means of investigation and of appraisal it would need in order to assume such a responsibility.

Mr. LANDE (Secretariat) explained that paragraph 1 did not relate to the existing Supervisory Body or to the Board, but to the control organ provided for in the draft convention.

Mr. NIKOLIC (Yugoslavia) did not think that paragraph 1 of the proposed section 39 bis gave the Supervisory Body a task beyond its competence and its powers. Article 7 of the 1953 Protocol provided for a similar authorization whereby the Board allowed a Party which did not manufacture opium alkaloids to obtain them from another country in exchange for seized opium, or to extract them for its own medical or scientific needs. That precedent might be extended to include synthetic drugs.

The CHAIRMAN wondered whether, in order to allay the fears of the representative of the Central Board, it would not be possible to make use of the system of supplementary estimates instead of the authorization of the Supervisory Body. That procedure would have the rapidity which the urgency of the situation called for, but it would not be applicable to the countries which did not submit estimates. It might be advisable to delete paragraph 1 and replace it by a commentary.

The meeting rose at 1 p.m.