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COMMISSION ON NARCOTIC DRUGS

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND FIFTY-NINTH MEETING

Held at Headquarters, New York,
on Thursday, 17 April 1952, at 10.30 a.m.

CONTENTS:

The application of the 1931 Convention to B-4-morpholinylethyl-
morphine

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

<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. ARDALAN	Iran
	Mr. KRUYSSSE	Netherlands
	Mr. AVALOS	Peru
	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

Also present:

Mr. MAY	Permanent Central Opium Board
Dr. WOLFF	World Health Organization (WHO)

Secretariat:

Mr. STEINIG	Director, Division of Narcotic Drugs
Mr. BOLTON	Secretary of the Commission

In reply to the question which Mr. ANSLINGER (United States of America) had asked at the previous meeting, Mr. HUANG (Secretariat) said that the Secretary-General had dispatched reminders in July 1951 to all Governments that had not yet sent in their annual reports. A Corrigendum would, therefore, be issued to the annex of the progress report.

THE APPLICATION OF THE 1931 CONVENTION TO B-4-MORPHOLINYLETHYLMORPHINE

Mr. BOLTON (Secretary of the Commission) stated that, in accordance with the Commission's earlier request, WHO had re-examined the question of the application of article 11 of the 1931 Convention to B-4-morpholinylethylmorphine in the light of fresh information supplied by the French Government. At its third session the Expert Committee on Drugs Liable to Produce Addiction of that Organization had expressed the opinion that morpholinylethylmorphine was not more liable to produce addiction than codeine and therefore could not be assimilated to the drugs mentioned in article 1, paragraph 2, Group I, Sub-group (a) of the 1931 Convention and that it was less readily convertible than codeine to an addiction-producing drug.

The WHO findings had been notified to the Secretary-General on 12 March 1952.

As WHO had found that morpholinylethylmorphine -- in the words of the Convention -- was not itself a drug "capable of producing addiction", but was "convertible into such a drug", it therefore seemed that the procedure provided for in article 11, paragraph 4 of the 1931 Convention should now be applied, namely that

"the question whether the drug in question shall fall under Sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts... of whom one member shall be selected by the Government concerned, one by the Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected."

By agreeing to apply such a procedure, the Commission would give article 11 an interpretation which was not the only one possible.

In anticipation that the Commission would agree to such a procedure, the Secretariat had communicated with the representative of France with a view to facilitating the appointment by the French Government of its representative on the body of three experts. The 1931 Convention, however, made no provision for remuneration of the experts, and as the group was being convened for the first time, there was no precedent on which to base the financial arrangements. In view of those difficulties, and in order to expedite the decision on the control of B-4-morpholinylethylmorphine, the Secretary-General proposed that the experts should meet in New York during the present session of the Commission, in which case the Secretariat would provide the necessary secretarial assistance.

The CHAIRMAN put the Secretary-General's proposal to the vote.

The Secretary-General's proposal was adopted unanimously.

The CHAIRMAN called for nominations for the Commission's representative on the proposed body of experts.

Mr. SHARMAN (Canada) proposed that the representative of the Netherlands should be elected to the body of experts.

The Canadian proposal was adopted unanimously.

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

The CHAIRMAN, in opening the debate on the proposed single convention, reminded the Commission of its decision to deal first with the procedural aspects of the question. He then invited the Commission to consider whether it wished to review all the relevant documentation or to proceed immediately with the examination of the draft (E/CN.7/AC.3/3).

Mr. SHARMAN (Canada) said that some points required to be cleared up before the Commission decided upon its procedure.

First, the printed draft recently received differed in some minor respects from the mimeographed version studied by the Commission in 1950 and 1951, although no changes had been made in relation to other matters, such

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as the proposed single secretariat, on which the Commission had already decided or made suggestions and had been promised revised texts. At the fifth session of the Commission, the Director of the Division of Narcotic Drugs, discussing the programme for the Convention, had stated that members of the Commission and the representatives of the Permanent Central Opium Board and Supervisory Body could submit their observations in writing to the Secretariat before the end of May. In June (1951) the Secretariat would draft the alternative versions of the sections of the draft convention and would distribute the new draft to members of the Commission at least two months before the seventh session (E/CN.7/SR.117). However, no new draft had been supplied to the Commission. While he did not suggest that events might not have happened which rendered that course of action out of the question, the whole existing situation should be carefully assessed and a course of action, or possibly inaction, decided upon.

Other factors must also be borne in mind. For example, the Economic and Social Council had received the comments of Governments on both the interim agreement involving an opium monopoly and the alternative draft protocol based on the principles of the 1931 Convention. Since, however, the Council's session would not take place till after the present session of the Commission, the Commission would have no indication as to what decision the Council might reach. It would therefore be difficult for it to take action on the single convention, which must include provision for either a monopoly or the proposed protocol, as the case may be.

Another factor of far-reaching importance was the recent success in the synthesis of morphine. Almost 80 per cent of the morphine currently manufactured from opium was transformed into codeine, which was the most commonly used narcotic. Many governments would undoubtedly be interested in obtaining their morphine and codeine in synthetic form, thus avoiding the hazards of dependence upon overseas countries. The appearance of synthetic morphine and codeine would also obviously have a profound effect on the world price of opium.

He therefore suggested that the Commission should consider the factors he had mentioned before deciding how much time it would devote to the two-year-old draft of the single convention, which was not in his opinion suitable for further consideration by the Governments represented on the Commission.

/Mr. NIKOLIC

Mr. NIKOLIC (Yugoslavia) thought there was a basic question of principle to be decided before the Commission could determine how to proceed with its work on the single convention.

When Governments had finally decided that the many existing conventions on narcotic drugs were outmoded, it had been proposed that they should be replaced by a single instrument better adapted to present conditions. It had been felt, however, that provisional arrangements to limit the production of opium were urgently needed until the new agreement came into force. Accordingly the opium-producing countries had met in 1949 at Ankara and had agreed to reduce the yearly production of opium from 2,000 tons to 450 tons, an amount adequate to meet the world's legitimate requirements. As the Commission was aware, the agreement of a number of countries to that reduced quota had represented a considerable sacrifice on their part. When the producing countries and the manufacturing countries had met in Geneva, and later in New York, to discuss the price of opium, however, their efforts had been less successful. It was at that time that the manufacturing countries had suggested fixing the price of raw opium at about the 1939 level, with minor corrections.

The drafting of a single convention had been on the Commission's agenda at its sixth session, but in fact most of the debate then had centred on the question of an international monopoly, and the Commission was still waiting for a decision from the Economic and Social Council as to whether it would be better to set up a monopoly or to adopt a protocol governing stocks of opium. As either of those arrangements would represent only a temporary solution, the Commission should not concentrate on them, but should proceed forthwith to work out a more permanent solution in the form of a single convention.

The draft resolution on synthetic drugs (E/CN.7/L.8) submitted jointly by France and the United States drew attention to the rapid increase in the use of such drugs, and the producing countries might therefore again be forced to reduce the acreage planted to poppies below the 450-ton world quota which had been anticipated. It seemed rather illogical to reduce the production of opium when the manufacture of synthetic drugs was increasing. If it were true, as some representatives had alleged, that the
/production

production of synthetic drugs could not be limited, it might be questioned whether the Commission could continue to work on the thesis that drug addiction could be effectively controlled by limiting the production of raw opium. If any constructive results were to be achieved, it might be better to re-consider the question of the single convention from an entirely new viewpoint.

He was convinced that the Commission could work out a fresh solution to the problem and he urged it to proceed to the drafting of a single convention without further delay.

Mr. ANSLINGER (United States of America) agreed with the Canadian representative that the Commission should not work on an unrevised draft of the proposed single convention. Before going any further, it should decide what its next step should be after agreement had been reached on those sections of the draft which were still in doubt.

In regard to the Yugoslav representative's remarks he pointed out that whereas the manufacturing countries by and large had carried out their obligations under the 1931 Convention, the producing countries had failed to limit the production of opium effectively. A United States Senate Committee now believed that if the producing countries failed to agree on limiting the production of raw opium, the United States Government could outlaw the use of raw opium and rely on the synthetic drugs. He urged the Commission not to reopen the debate on those points, however, but to decide the procedure for dealing with the draft single convention.

Mr. VAILLE (France) wished without going into details to record his disagreement with certain points in the Yugoslav representative's summary of the history of the question. In particular, he felt that if Governments had found it impossible heretofore to establish a monopoly it was not for lack of goodwill but because of the tremendous practical difficulties.

He would prefer to proceed forthwith to the text of the proposed single convention.

Mr. KRISHNAMOORTHY (India) endorsed the French representative's remarks as to procedure, pointing out that the Commission could put forward alternative proposals on controversial questions when necessary.

The Indian Government had always favoured limitation of the production of opium to medical and scientific needs and its representative at earlier sessions of the Commission had also expressed himself in favour of the establishment of a monopoly as the best way of enforcing the limitation. The question, however, was whether the practical difficulties which prevented the establishment of such a monopoly and which had been discussed in detail at the sixth session could be overcome at the present stage. With those considerations in mind the Commission might have to envisage an interim stage and adopt the procedures outlined in the protocol which had been suggested by the French representative at the sixth session and which had been generally agreed to by the Commission and was now under consideration in consultation with the governments concerned. His Government was prepared to agree to that arrangement.

He suggested that the Commission should proceed immediately to consider the draft single convention and evolve a final text which would be sent to Governments for general comments; detailed criticisms could be forwarded when agreement had been reached on the basic principles which were still in doubt.

Mr. KRUYSSSE (Netherlands) agreed that the Commission should base its discussions on the draft single convention prepared by the Secretariat (E/CN.7/AC.3/3). The convention should be redrafted by the Secretariat at the end of the seventh session, account being taken of all amendments suggested during the session. The revised draft should then be circulated to all Governments for their observations.

Mr. WALKER (United Kingdom), supporting the suggestion of the Netherlands representative, felt that the Commission was not yet in a position to circulate the draft convention to all Governments, as there were still a number of important questions of principle to be resolved. A detailed discussion of the provisions in the draft convention relating to the opium monopoly and kindred matters would be unfruitful at the present time. An attempt should, however, be made to reach agreement on various outstanding matters of principle in order that the Secretariat, when redrafting the draft convention, might have a reasonably clear idea of what the Commission required.

Mr. NIKOLIC (Yugoslavia) pointed out that the draft single convention appeared on the Commission's agenda for the third time and had already been circulated to fifteen governments, only six of which had submitted comments. The United Kingdom representative seemed to think that not enough information was available to enable a final draft to be circulated, and he (Mr. Nikolic) wondered whether the Commission would ever be in a position to discuss the final draft.

Referring to the suggestion that the provisions relating to the opium monopoly should not be discussed, he pointed out that the monopoly was not mentioned in the draft single convention and wondered whether the United Kingdom representative intended to refer to section 30 on the limitation of the production of opium.

Mr. HSIA (China) said the Commission should not be discouraged by the slow progress being made in drafting the single international drug convention. The comparatively few countries interested in opium control must, however, take the lead.

Supporting the Netherlands representative's suggestion, he thought the Commission should decide at the end of its discussion on the draft single convention whether the Secretariat should be asked to prepare a revised draft.

Mr. VAILLE (France), supporting the United Kingdom representative's proposal, as amended by the representative of Yugoslavia agreed that section 30 on the limitation of the production of opium should not be discussed, and suggested that each section of the convention should be put to the vote, and then redrafted, if necessary, by the Secretariat. The redrafted single convention should be submitted to the Economic and Social Council which, bearing in mind its decision on the protocol, would decide whether the new text should be sent to Governments for observations and whether the latter should send their replies to the Council or to the Commission on Narcotic Drugs.

Mr. KRISHNAMOORTHY (India) agreed with the French representative's suggestion and hoped that the revised draft single convention approved by the seventh session of the Commission on Narcotic Drugs would be sent to his Government for comments. The Indian Government's comments on the present draft single convention had been despatched, but had not yet reached the Secretariat.

/Mr. NIKOLIC

Mr. NIKOLIC (Yugoslavia), referring to the French representative's statement, thought that a question of substance would be involved, if the Commission decided not to discuss section 30 of the draft single convention.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) said his Government supported the single convention and he failed to understand why more progress had not been made in the preparation of a final draft. The Commission should discuss the draft prepared by the Secretariat, which would then be revised by the Secretariat at the end of the session for submission to Governments.

Mr. AVALOS (Peru) supported the suggestion that the draft single convention should be discussed by the Commission and then redrafted by the Secretariat.

Mr. KRUYSSSE (Netherlands) agreed with the Yugoslav representative's remarks and considered that section 30 of the draft single convention should be discussed at the present session in order that the Commission's examination might be completed before the convention was submitted to Governments for further comments and an international conference convened.

The meeting was suspended at 12:10 p.m. and resumed at 12:40 p.m.

Mr. STEINIG (Secretariat) said the Commission was faced with the serious responsibility of having to take a number of very difficult decisions, which would have profound, far-reaching and permanent effects on the future control of narcotic drugs. It was not therefore surprising that there should be a moment of hesitation and that sometimes there seemed to be a tendency to place responsibility for the difficulties encountered where they did not belong. He wished to make it clear that contrary to what was intimated, the Secretary-General bore no responsibility whatsoever for the difficulties facing the Commission; he had done his best to assist the Commission in every possible way in accordance with the Commission's wishes and decisions.

At its fifth session the Commission had decided to ask the Governments represented on it to transmit their observations on the proposed draft of the single convention to the Secretary-General not later than 1 May 1951, and to ask

the Permanent Central Opium Board and the Supervisory Body to transmit similar observations as soon as possible. It had then planned to devote a limited number of meetings at its sixth session to discussion of the draft in the light of such observations, provided a sufficient number of them had been received in time. The Secretary-General would subsequently be requested to prepare such alternative drafts as might be necessary in the light of observations received from Governments and of discussion during the sixth session (E/CN.7/216/Rev.1, paragraph 68).

At the Commission's sixth session, the Chairman had pointed out that "replies had been received from three governments only" and consequently "a detailed discussion would not be appropriate at the present juncture" (E/CN.7/SR.145, page 10).

At the same meeting, in outlining the future procedure for the elaboration of the draft instrument, Mr. Steinig had said that "a reminder might be sent to governments which had not yet submitted their observations, and the Secretariat would then prepare a consolidated document, containing the original draft, together with the governments' views and, where possible, alternative drafts for provisions" (E/CN.7/SR.145, page 10). The Commission, however, had not accepted that procedure, but had decided merely to request the Secretary-General "to prepare an annotated compilation of all observations received by 1 November 1951 for consideration by the Commission at its seventh session" (E/CN.7/227/Rev.1, paragraph 73).

Even if the Secretariat, without specific instructions from the Commission, had decided in any case to produce a redraft of certain provisions, it would have found it most difficult on the basis of the replies which had been received from only about one third of the Members of the Commission, and which on some points were diametrically opposed. Moreover, since all the provisions of the draft convention were closely inter-related, it would scarcely have been possible to alter some provisions without redrafting the whole convention.

He emphasized that by preparing the annotated compilation of observations (E/CN.7/AC.3/5) the Secretary-General had strictly implemented the Commission's decision and could not therefore be held responsible for the delay in elaborating the Convention or accused of failure to carry out instructions.

/In answer

In answer to a question from Mr. SHARMAN (Canada), with regard to the first point he (Mr. Sharman) had raised, Mr. STEINIG (Secretariat) explained that the minor differences between the mimeographed and printed versions of the draft of the single convention were due to the fact that errata, previously issued as a separate document, had been incorporated in the printed text.

Mr. VAILLE (France) said the Director of the Division of Narcotic Drugs was perfectly correct: the Secretary-General had complied with the Commission's instructions. The Commission should, however, learn from its past experience lessons which it might apply to its future procedure. Specifically if only a few members expressed their views on a certain issue, the matter should be put to the vote, so that the Commission's position was made perfectly clear.

The CHAIRMAN reminded members that the drawing up of an international convention was one of the most difficult and time-consuming tasks which could be undertaken. It required patience, hard work and careful study. There was no doubt, however, that it was one of the Commission's most important functions. Members should not therefore become discouraged because the item had already been on the Commission's agenda for three sessions, but should continue to expend the utmost efforts in order to produce a satisfactory substitute for existing instruments and thus promulgate "an international code of narcotics".

In order to follow up the decisions it had taken at previous sessions, the Commission must continue the study of the draft convention, and the general trend of opinion in the Commission appeared to be in favour of immediate discussion of it. He therefore proposed that the Commission should proceed to discuss the draft of the single convention.

It was so agreed.

The CHAIRMAN proposed that, in view of the limited time at the Commission's disposal, it should discuss the draft as a whole and not section by section.

/Mr. VAILLE

Mr. VAILLE (France), supported by Mr. ANSLINGER (United States of America), pointed out that the Commission had already on two previous occasions undertaken a general discussion of the draft convention. He therefore felt that the work would be completed more quickly if the convention was discussed section by section and a definite decision taken on each section, which would enable the Secretariat to prepare a final draft.

Under rule 49 of the rules of procedure, he moved adjournment of the meeting to give representatives time to consider the question further.

The motion for adjournment was adopted.

The meeting rose at 1.10 p.m.