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Tenth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SIXTY-NINTH MEETING

Held at Headquarters, New York,  
on Friday, 22 April 1955, at 11 a.m.

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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. PANOPOULOS	Greece
	Mr. ARDALAN	Iran
	Mr. RABASA	Mexico
	Mr. CALLE Y CALLE	Peru
	Mr. FORYS	Poland
	Mr. OZKOL	Turkey
	Miss VASILIEVA	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>Also present:</u>	Mr. MAY	Permanent Central Opium Board
	Mr. NEPOTE	International Criminal Police Commission
<u>Observer:</u>	Mr. GRANDJEAN	Switzerland

Representatives of non-governmental organizationsCategory B and Register:

	Miss SMITH	International Federation of Women Lawyers
	Mrs. WALSER	Women's International League for Peace and Freedom
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
	Miss SMART	World's Women's Christian Temperance Union
<u>Secretariat:</u>	Mr. YATES	Director, 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/AC.3/4/Rev.1, E/CN.7/AC.3/5, Corr.1 and Add.1, E/CN.7/AC.3/6 and Add.1; E/CN.7/289, chapter VI; E/CONF.14/7, Corr.1 and Add.1; E/CN.7/L.48, L.74, L.85 and Corr.1 and 2, L.86 and Add.1, L.89, L.94) (continued)

Mr. OZKOL (Turkey) introduced his delegation's draft resolution (E/CN.7/L.94).

Replying to the question the United States representative had asked at the 268th meeting, he said that there was no internal control of poppy straw in Turkey. Since 1951, however, a licence had been necessary for its export, although there had, in fact, been no exports.

The representative of the International Criminal Police Commission had stated at the 268th meeting that there had been no cases of illicit traffic involving poppy straw. That did not mean, however, that such cases would not occur and the disposal of poppy straw was therefore important. In Turkey, it was usually burned after the opium had been extracted. In other producing countries, no check was kept on its ultimate utilization and although exporting countries might require a licence, there was no protection against misuse. As was pointed out in document E/CN.7/295, in many countries poppy straw did not become subject to control until it entered a narcotics factory. Control was based on the declaration made by the manufacturer or the factory records and the straw could be diverted for illicit purposes. In countries like Yugoslavia, where the manufacture of opium was a State monopoly, the straw was sold to licensed factories, but in many countries large quantities of straw were available without licence, with a consequent danger of illicit traffic. It was illogical to control opium and not the rest of the plant.

The CHAIRMAN pointed out that the provisions of the 1953 Protocol could be extended to cover poppy straw.

Mr. SALDANHA (India) had considerable sympathy with the Turkish proposal (E/CN.7/L.94), but felt that it went too far. He agreed that, while

(Mr. Saldanha, India)

there was an important difference between raw opium and poppy straw as raw materials, in view of the increase in the production of morphine drugs from poppy straw, a profitable demand was being created for that raw material; some control of it was therefore necessary and should come into operation at the farming stage. He proposed that the single convention should include a provision for the licensing of poppy cultivators, who under the terms of their licence should be required to account for their sales. A simple method would be the use of sales certificates, with counterfoils issued by the State giving the name and address of the purchaser, the date of the sale and the amount sold, and signed by the cultivator and the purchaser. Additional measures could be taken on the national level under article 4(a)(ii) of the 1953 Protocol.

Mr. NIKOLIC (Yugoslavia) felt that, although there was undoubtedly a gap in the control system, it would be going too far to apply the same control measures to poppy straw as to opium. In Yugoslavia, the manufacturers of alkaloids from opium bought the raw material from the State. In other countries, opium imports for the same purpose were strictly controlled. There was, however, no control of poppy straw; a manufacturer was free to buy any quantity he wished and could claim that it had all been used for the manufacture of the amount of morphine he declared, whereas he might have a large stock on hand which could be used for illicit morphine production. The single convention should contain a provision obliging manufacturers to declare the amounts of straw actually entering the factory.

Mr. TSAO (China) supported the general principle of the Turkish draft resolution but thought the operative paragraph should be amended to make clear to whom the recommendation was addressed. He felt that it should be expressed rather as a decision of principle by the Commission than as a recommendation.

Mr. ARDALAN (Iran) said that, in view of the marked increase in the production of morphine from poppy straw, there was urgent need for control of straw supplied. He therefore supported the Turkish draft resolution.

Mr. WALKER (United Kingdom) pointed out that the Turkish proposal was an invitation to reopen the 1953 Protocol. That was regrettable, since it could only lead to considerable discussion on points that had already been fully debated. The problem of poppy straw was more theoretical than real: there was no practical danger of illicit manufacture, for the production of even small quantities of morphine required not only a large plant but such a large amount of straw that purchases could not be kept secret. The morphine itself was controlled under the 1931 Convention and no further control was necessary.

Mr. NIKOLIC (Yugoslavia) did not agree that there was no danger of illicit manufacture. Legitimate manufacture could be carried on and used as a screen for illicit production. If there was no check on the quantities of straw received and the stocks remaining after manufacture, there was no way of discovering illicit operations.

Mr. OZKOL (Turkey), too, disagreed with the United Kingdom representative. There was a serious gap in the control system and world opinion would expect the Commission to fill it.

With regard to the Chinese representative's remarks, he did not feel that any changes were required in the draft resolution, which merely suggested a few drafting changes in the single convention.

Mr. ARDALAN (Iran) said that the laws and regulations on the production of morphine from poppy straw were inadequate and needed amendment. In view of the greatly increased production in recent years and the fact that new and easier methods of manufacture might well be discovered, the Commission should adopt the Turkish draft resolution.

Mr. WALKER (United Kingdom) pointed out that the real concern of public opinion was not with the control of the extraction of morphine from poppy straw, but rather with the illicit traffic in opium, heroin and cannabis throughout the Near and Far East and across the Pacific to the United States. It was

(Mr. Walker, United Kingdom)

precisely out of regard for world public opinion and out of a sense of pressing realities that he objected to the Commission's dwelling on a problem which had not yet materialized; it would appear to be deliberately diverting attention from its main responsibilities.

Mr. SALDANHA (India) emphasized that his proposal was far less drastic than that of the Turkish representative. While the procedure he had suggested was certainly not foolproof, it did introduce some measure of control of the raw material, which was being used on an alarming scale for the extraction of morphine.

Mr. OZKOL (Turkey) agreed with the United Kingdom representative that public opinion was still indifferent to the use of poppy straw for the production of morphine; it was concerned, however, with the large quantities of morphine finding their way into the illicit market. In so far as the absence of any control of the use of poppy straw favoured illicit traffic in morphine, the question was of direct interest to everyone and preventive measures were imperative. Moreover, with the rapid advances in science, extraction of the drug from poppy straw could be expected to assume much larger proportions in a not unforeseeable future. It was the business of the Commission to close all the loopholes in the existing control procedure and to eliminate all sources of morphine for addiction.

Mr. NIKOLIC (Yugoslavia) stressed that under existing regulations it was possible for a manufacturer producing morphine from poppy straw to allow whatever quantity of the raw material he had not used up in the extraction of the morphine to leak to the illicit market and still to remain within the law. That was the crux of the problem. For example, even in the United States, where the public was fully alive to the dangers of illicit traffic, the uses of poppy straw were not adequately controlled. It had been possible, however, to work out so comprehensive a system of controls for opium as to ensure that those evading or breaking the law would be detected and apprehended sooner or later.

(Mr. Nikolic, Yugoslavia)

Accordingly, States should be asked to undertake a formal obligation to control the quantities of poppy straw received by the manufacturer for the extraction of morphine. Only thus could the "adequate control" called for in article 4 (ii) of the 1953 Protocol be made a reality.

He asked the United Kingdom representative to explain how the amount of poppy straw entering the factory - and, even more essential, the use of the stock of straw remaining after extraction of the morphine - could be controlled.

Mr. WALKER (United Kingdom), drawing attention to article 16 and 17 of the 1931 Convention, pointed out that by substituting the term "poppy straw" for "raw material(s)" it would be found that States conscientiously complying with the provisions of that article could not be allowing the free manufacture of morphine from poppy straw without breaking the law. Indeed, under existing Conventions and narcotics regulations, it was easier to control the production of morphine from poppy straw than from opium. In that connexion, the Commission should take advantage of the experience of Germany and Hungary and invite observers from those countries to take part in the discussion.

Mr. MAY (Permanent Central Opium Board) said that, although logic was on the side of the producing countries, the Turkish proposal would entail enormous administrative difficulties for the Board and the Supervisory Body. Moreover, the definition of poppy straw given in the 1953 Protocol was so vague as to render statistics on quantities of that raw material virtually worthless.

Mr. OZKOL (Turkey) did not feel that administrative difficulties should stand in the way of a solution of the poppy straw problem. That solution should be such as to close all loopholes in the control procedures. The very fact that the Commission was working out a single convention proved that the 1931 Convention was not an adequate control instrument.

Mr. PANOPCULOS (Greece) strongly supported that view.

Mr. NIKOLIC (Yugoslavia) formally proposed that the draft single Convention should contain a provision reproducing the reference to poppy straw in article 4 of the 1953 Protocol but expanding it by the addition of article 17 of the 1931 Convention.

The CHAIRMAN, speaking as the representative of France, said that he could not support the Turkish draft resolution, chiefly because his Government, like the majority of the other Contracting Parties, would find it impossible in practice to apply a convention containing the clause suggested. As the basic principle of any convention was to ensure its acceptance by the greatest number of countries, the insertion of such a clause would be self-defeating. Moreover, extension to poppy straw of the control procedure applicable to opium was not useful enough to warrant the additional administrative arrangements it would necessarily entail.

There was no need to fear that improved scientific methods would soon permit the extraction of as high percentages of morphine from poppy straw as those obtained from opium. It was unlikely that geneticists could develop ways of so increasing the yield of morphine from the straw as to obviate the need for literally tons of the raw material in order to produce small quantities of the drug. It was precisely because such huge quantities of straw were required and because it could not easily be concealed that there was no illicit traffic in the morphine extracted from it, at least not until it reached the factories.

The Turkish proposal was not realistic. It was impossible to foresee exactly what use the cultivator would make of the poppy straw, particularly since, in addition to its use for the extraction of morphine, it could be used for fodder or to supplement fertilizer. Moreover, as it was difficult to ascertain to whom the cultivator sold poppy straw, there could be no check on the quantities placed on the market.

Finally, the increase in the production of morphine from poppy straw might even indicate a way of stopping illicit traffic in opium. If all morphine were extracted not from opium, but from poppy straw, an important source of illicit traffic would be cut off. As the cost of producing opium was very high, while



(The Chairman)

the straw could be produced cheaply, higher living standards and increasing wages in the opium-producing countries would tend to make opium production less and less profitable and it would eventually disappear completely. Opium was the source of practically all the illicit traffic in drugs. No cases of the diversion of poppy straw to the illicit market had ever been reported.

Apart from those hypothetical considerations, the case against the Turkish proposal was based primarily on the recognition that a convention binding States to limit the production of morphine extracted from poppy straw would not be generally accepted because it would have no value in curbing morphine addiction.

He was in favour of the Yugoslav proposal which might be amended in two ways. The relevant provision in the Convention might compel cultivators to sell their poppy straw, if intended for the extraction of morphine, only to manufacturers specially licensed for such extraction. That provision would close a real loophole in the 1931 Convention, which did not provide for a system of import certificates and export authorizations. Furthermore, as effective control could be exercised only if there were few factories authorized to extract morphine from poppy straw, the Convention might limit the number of manufacturers licensed to that end. Those amendments might satisfy the producing countries, which had made a logical request.

Mr. OZKOL (Turkey) could not agree that there was no danger of poppy straw entering the illicit traffic or that the gap in the system of control and limitation could be closed by limiting the number of manufacturers extracting morphine from poppy straw.

Turkey, as a poppy-growing country, had agreed to many restrictions and controls and it felt that the drug-manufacturing countries should do likewise.

Mr. NIKOLIC (Yugoslavia) felt that there was no need for a system of export authorizations and import certificates for poppy straw. In Yugoslavia, one licence had been requested for the extraction of morphine from poppy straw, but no such manufacture was at present taking place. In any case, there was no possibility of the straw entering the illicit traffic.

Miss VASILYIEVA (Union of Soviet Socialist Republics) asked that all amendments should be submitted in writing and proposed that they should be discussed by the Commission early the following week.

It was so decided.

The CHAIRMAN recalled that the Commission had decided at a previous session to refer to Indian hemp as "cannabis" in all documents; section 33 of the draft single convention should therefore be redrafted accordingly. He suggested that the alternative version of section 33, entitled "Control of the production of Indian hemp", which was already out of date, should be deleted.

It was so decided.

The CHAIRMAN further suggested that, in view of the discussions on cannabis at the present session, a provision permitting reservations in respect of section 33 should be inserted in the draft, similar to the one which had been adopted in connexion with the sections on opium and the coca leaf. The reservations made by the Indian delegation with regard to the use of cannabis in indigenous medicine should also be mentioned and reference made to the fact that all States Parties to the Single Convention agreed to take the necessary measures to combat the illicit traffic in cannabis.

Mr. NIKOLIC (Yugoslavia) recalled Economic and Social Council resolution 548 F (XVIII) on the problem of cannabis and pointed out that in reply to the Secretariat's questionnaire two Member States only had stated that they had definitely prohibited the use of cannabis for medical purposes.

The CHAIRMAN, replying to a question from the USSR representative regarding paragraph 207, suggested that in redrafting the convention the Secretariat should make specific mention of the prohibition of the use of cannabis for medical purposes.

It was so decided.

Mr. SALDANHA (India) pointed out that, in addition to its use in indigenous medicine, cannabis in the form of ganja and bhang was still consumed by a small section of the population for non-medical purposes in India. The use of cannabis for such purposes, particularly in the form of ganja, was heavily controlled, and the Governments in India had introduced a policy of prohibition which would be put into force over a period of years. Immediate total prohibition of cannabis for non-medical purposes would not be practicable in India, and the Single Convention would have to provide for a reservation in that respect if India was to be a party to it.

The Commission decided, by 12 votes to 1 with 2 abstentions, to accept in principle paragraph 207 of the draft single convention, subject to modifications and amendments to be discussed in detail at a later meeting.

Mr. RABASA (Mexico) said that he had voted against paragraph 207, firstly because he was not sure which part of the paragraph was being put to the vote and, secondly, because under Mexican law the use of cannabis was totally prohibited, whether for scientific or any other purposes.

Mr. NIKOLIC (Yugoslavia) said he had abstained from voting because he wished first to see the amendments to paragraph 207 in writing.

The meeting rose at 1.5 p.m.