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COMMISSION ON NARCOTIC DRUGS

Tenth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 28 April 1955, at 3 p.m.

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55-12901

PRESENT:

Chairman:	Mr. VAILLE	France
Rapporteur:	Mr. SALDANHA	India
Members:	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 VASILYEVA	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. ANSLINGER) Mr. TENNYSON)	United States of America
	Mr. NIKOLIC	Yugoslavia
Observers:	Mr. TABIBI	Afghanistan
	Mr. WOULBROUN	Belgium
	Mr. DANNER	Federal Republic of Germany
	Mr. TANCREDI	Italy
	Miss YAMANE	Japan
	Mr. GRANDJEAN) Mr. WEISFLOG)	Switzerland
Also present:	Mr. MAY) Mr. ATZENWILER)	Permanent Central Opium Board

Representatives of specialized agencies:

	Dr. HALBACH	World Health Organization

PRESENT: (Cont'd)

Representatives of non-governmental organizations:

Category B and Register:

	Mr. NEPOTE	International Criminal Police Commission
Secretariat:	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.85, L.85/Corr.1, L.86, L.101 and L.105) (Continued)

Proposal by Turkey (E/CN.7/L.101) (continued)

Mr. SALDANHA (India) said that at the 277th meeting he had abstained from voting on the United States amendment (E/CN.8/L.105) to the Turkish proposal (E/CN.7/L.101) as section 2 of the latter did not discriminate against synthetic narcotic drugs.

Section 39 bis: paragraph 1

Mr. HOSSICK (Canada) said that paragraph 1 of the Turkish representative's proposal regarding section 39 bis of the draft single convention was far from clear and asked whether the representative of the Permanent Central Opium Board could explain it.

Mr. MAY (Permanent Central Opium Board) understood that under paragraph 1 of the proposed section 39 bis, a country which had difficulty in obtaining pethidine, for example, could request the proposed International Narcotics Control Board to allow it to manufacture or import heroin or ketobemidone. He, personally, did not like such a provision even though the new body might be willing to accept the serious responsibility of issuing such a permit.

The CHAIRMAN, speaking as representative of France, could not agree with the interpretation given paragraph 1 by the representative of the Permanent Central Opium Board and proposed the deletion of the paragraph.

Mr. MAY (Permanent Central Opium Board) and Mr. HOSSICK (Canada) supported the French proposal.

The CHAIRMAN pointed out that any decision taken on the text before the Commission would be a decision of principle only.

The French representative's proposal was adopted by 9 votes to 1, with 5 abstentions.

Section 39 bis: paragraph 2

Mr. HOSSICK (Canada) said that he would have to abstain from voting on paragraph 2 as he felt that the suggested system of markings had distinct disadvantages.

Mr. NIKOLIC (Yugoslavia), although supporting paragraph 2 in principle, felt that the proposed markings might encourage theft.

The CHAIRMAN recalled that at a previous session the Commission had decided against external markings on packages of narcotic drugs, as it felt that such markings might lead to theft by drug traffickers and addicts. The Turkish proposal that the interior wrapping of any package containing a synthetic narcotic drug should have a clearly visible double red band had been based on that decision.

Mr. WALKER (United Kingdom) recalled a statement he had made at the Commission's eighth session on the marking of packages containing narcotic drugs and pointed out that at that time he had emphasized that the United Kingdom authorities did not favour such markings.

Although he could not support paragraph 2, he was sure that the United Kingdom authorities might review their attitude to such markings and do their best to co-operate with any decision reached by the Commission if they could be satisfied that this would assist other countries in the suppression of the illicit traffic. The proposed double red band would, however, create difficulties in the United Kingdom as a similar marking was already used for another purpose.

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The United Kingdom authorities would certainly never agree that only packages containing synthetic narcotic drugs should be marked. The requirement, if adopted, should apply to all addiction-producing drugs.

Mr. OZKOL (Turkey) said he did not oppose the idea that packages containing natural and synthetic narcotic drugs should be marked in an identical manner.

Mr. WEISFLOG (Observer for Switzerland) said that for some years past some separate packages of both synthetic and natural drugs had been specially marked in Switzerland. He felt, however, that if packages sent through the post bore external markings they might fall into the hands of drug traffickers.

Mr. LABIB (Egypt) considered that both the interior and external wrappings of packages containing natural and synthetic narcotic drugs should be marked. Egyptian law required all such packages to bear the name of the drug and the percentage of its alkaloid contents.

Mr. NIKOLIC (Yugoslavia) agreed with the United Kingdom representative that perhaps both natural and synthetic narcotic drugs should be marked.

Mr. SALDANHA (India) said that he was prepared to accept paragraph 2 provided the word "synthetic" was deleted, and he would make a proposal to that effect. He also felt that markings should appear on the outside of any package.

Mr. WOULBROUN (Belgium) said that his Government wished packages of both natural and synthetic narcotic drugs to be clearly marked so that they might easily be recognized by the Customs authorities.

Mr. TENNYSON (United States of America) said that he could not support paragraph 2, and pointed out that the United States Government prohibited the importation of manufactured natural and synthetic narcotic drugs. With regard to exports, under the Food and Drugs Act a manufacturer was required to indicate on the label of his product that the drug might be addiction-producing.

If a United States Customs official had any doubts as to the admissibility of an imported narcotic drug he held up the package and consulted the Customs chemist.

If the proposal was accepted that any package bearing a double red band should automatically be passed by Customs, he wondered what action a Customs official would be expected to take if a package not properly marked was imported.

The CHAIRMAN pointed out that in most countries Customs officials did not rely on the exterior markings on packages, but opened the packages.

He then put to the vote the Indian representative's proposal that the word "synthetic" should be deleted in paragraph 2.

The Indian representative's proposal was adopted by 9 votes to none, with 6 abstentions.

Paragraph 2, as amended, was adopted by 9 votes to none, with 6 abstentions.

Mr. TENNYSON (United States of America) said that he had abstained from voting because the marking proposed in paragraph 2 referred only to packages intended for export.

Section 39 bis: paragraph 3

Mr. WALKER (United Kingdom) strongly doubted whether the products in question could be supervised. He knew of no practicable measures of supervision.

Mr. SALDANHA (India) noted that the products referred to were presumably the chemical raw materials going into the manufacture of synthetic drugs, and that the supervision would have to be carried out by the manufacturing countries in the factories.

The CHAIRMAN, speaking as the representative of France, referred to an example given by the United States representative of the theft of such materials at almost the last stage of the manufacturing process for use by illicit traffickers in producing narcotics. The unfinished materials should be supervised.

Mr. WEISFLOG (Observer for Switzerland) stressed that supervision should not be considered to be a basic requirement so far as synthetic drugs were concerned. The frequently mentioned drug diphenylaceto-nitril, which was used in the manufacture of methadone, was also used for other purposes. For example, by combining it with other substances an anti-asthmatic non-habit-forming medicament was obtained (Liebigs Annalen der Chemie, vol. 561, p. 52, 1948). It was also used in manufacturing alpha-diphenyl fatty acids, mixtures of which were effective spasmolitic agents (see, for example, Journal of the American Chemical Society, fasc. 71, 1949, p. 532). It was well known that a very high percentage of the production of acetic anhydride was used for a great number of technical purposes. Accordingly it would be difficult to bring the raw materials and intermediary products used in manufacturing synthetic drugs under the same control as narcotics.

Mr. HOSSICK (Canada) considered it impracticable to enforce the supervision called for in paragraph 3 in the chemical industries.

Mr. WALKER (United Kingdom) shared that view, and emphasized that his Government could not in honesty accept an obligation which it could not carry out.

Mr. OZKOL (Turkey) explained that the paragraph was intended to ensure that all materials capable of being used for the manufacture of narcotic drugs did not escape control.

Paragraph 3 was adopted by 12 votes to 2, with 1 abstention.

Section 39 bis: paragraph 4

Mr. HOSSICK (Canada) wondered whether there were, in fact, countries using synthetic narcotic drugs in industry for other than medical or scientific purposes.

Mr. WALKER (United Kingdom) would also welcome information concerning natural or synthetic narcotic drugs which had been denatured for industrial purposes.

The CHAIRMAN pointed out that the possibility of such use of both natural and synthetic narcotic drugs was perhaps not as remote as it seemed. For example, morphine had been used in photography. As the single convention should not lose sight of future scientific and industrial developments, it would be wise to include the provision in paragraph 4. So long as it was possible to denature many chemical substances, it was a fair hypothesis that synthetic narcotic drugs might also be denatured. Finally, the Commission had requested the Secretariat to prepare a provision to cover that possibility and should give it due consideration.

Mr. SAIDANHA (India) would be prepared to accept paragraph 4 if it were made applicable to all narcotic drugs by the deletion of the adjective "synthetic" in the main clause, and if the words "from the final product" were added after "harmful substances" in sub-paragraph (a).

Paragraph 4 was adopted as amended by 8 votes to 5, with 2 abstentions.

Section 39 bis: paragraph 5

Mr. SAIDANHA (India) proposed that the words "a synthetic" before the words in the second line, should be replaced by the words "any new", the phrase thus reading "any new narcotic drug."

Mr. NIKOLIC (Yugoslavia) said that the paragraph would be pointless without the word "synthetic", as it was intended to establish a special procedure for synthetic drugs.

Mr. WALKER (United Kingdom) supported the Indian amendment. If the paragraph were adopted in its original form, a synthetic addiction-producing drug without particular therapeutic advantages would be prohibited, but a drug of natural origin with exactly the same properties would not.

Furthermore, therapeutic advantages were not the only ones that should be considered. Governments should be able to take into account such considerations as the cost of production (and hence availability to the public) and

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facilities for control when making decisions to authorize or prohibit the production of narcotics. He therefore proposed that the words "or other" should be added after "therapeutic", at the end of the third line.

Mr. SALDANHA (India) supported the United Kingdom proposal.

Mr. OZKOL (Turkey) supported by Mr. NIKOLIC (Yugoslavia), opposed the United Kingdom amendment. Commercial considerations such as the cost of production should not enter into decisions on the control of narcotic drugs.

Mr. WALKER (United Kingdom) emphasized that it was in the patients' interest for drugs to be produced cheaply. The Commission would be taking on a heavy responsibility if, as a result of its decisions, such drugs could not be made available.

Mr. WEISFLOG (Observer for Switzerland) pointed out that the therapeutic advantages of new drugs were not always immediately apparent, and by prohibiting such drugs before they had been thoroughly tried out, Governments might be placing an obstacle in the way of medical progress. A new drug should be allowed to remain on the market for at least two years before any decision to prohibit it was taken.

Mr. WALKER (United Kingdom) asked whether new uses had been discovered for drugs already on the market.

Dr. HALBACH (World Health Organization) instanced the cases of insulin and cardiazol.

Mr. SALDANHA (India) said that a decision to prohibit a new drug should be taken only on the advice of the World Health Organization. The paragraph should make that point clear.

The CHAIRMAN pointed out that the duties of the World Health Organization in that respect were specified in the part of the resolution dealing with section 3.

Mr. WALKER (United Kingdom) inquired what procedure was followed by the World Health Organization when it was asked to study certain drugs.

Dr. HALBACH (World Health Organization) said that a study was carried out by the specialized staff of WHO in consultation with the best available experts and the conclusions were submitted to the competent body of the Organization. In some cases, Governments were asked to supply information.

The CHAIRMAN pointed out that the World Health Organization had carried out studies at the request of the Commission, which could not take decisions on specific drugs without the specialized information supplied by WHO.

He put to the vote the Indian proposal to delete the words "a synthetic" from the second line of paragraph 5.

The proposal was adopted by 5 votes to 2, with 8 abstentions.

The CHAIRMAN put to the vote the Indian proposal to insert the words "any new" before the words "narcotic drug", in the second line.

The Indian proposal was adopted by 4 votes to 2, with 9 abstentions.

The United Kingdom proposal to add the words "or other" at the end of the third line was rejected by 8 votes to 5, with 2 abstentions.

Paragraph 5, as amended, was adopted by 12 votes to 2, with 1 abstention.

Mr. OZKOL (Turkey) proposed that a vote should be taken on draft resolution E/CN.7/L.101 as a whole.

The Commission decided by 6 votes to 4, with 5 abstentions, not to vote on E/CN.7/L.101 as a whole.

Mr. YATES (Secretariat) called attention to the fact that the Commission had decided to eliminate most of the proposed section on synthetic drugs in the single convention.

The meeting rose at 4.25 p.m.