



CONTINUATION OF DISCUSSION OF THE DRAFT PROTOCOL TO BRING UNDER INTERNATIONAL CONTROL CERTAIN DRUGS NOT COVERED BY THE 1931 CONVENTION  
(document E/CN.7/113)

Continuation of consideration of the Preamble.

Upon the CHAIRMAN's request, Mr. ANSLINGER (United States of America), Chairman of the Drafting Sub-Committee, explained the Sub-Committee's view that the meaning of the word "drug" in paragraph 2 was, with the addition of the words "including their preparation", sufficiently wide to be all-inclusive. Furthermore, in case there should be difficulties of interpretation, it would be possible to refer to the summary records of meetings at which that word had been discussed.

The CHAIRMAN thanked the Drafting Sub-Committee and its Chairman for their work and called for a reading of the Preamble, as amended by the addition of the words "and of pharmacology" after the words "and modern chemistry" in the first line, and of the words "including their preparation" after the words "these drugs" in paragraph 2.

Discussion of Article 1.

Mr. ALEXANDER (Secretariat) read out Article 1 and the comments made thereon by the Colombian Government.

Mr. ANSLINGER (United States of America) felt that everything that was likely to be considered a drug was already covered by existing Conventions. What could the words "medicinal substances" mean other than medicines? If the words implied patent medicines they were already listed. Furthermore, provision had also been made for exemptions.

Mr. KRUYSSSE (Netherlands) also thought that medicinal products which could be considered narcotic drugs were covered either by the 1931 Convention or the present Protocol and would thus be automatically controlled

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treaty with Japan. The document showed that the drugging of populations with narcotics unquestionably was a form of genocide.

The CHAIRMAN suggested that as there was no specific place on the agenda for the point raised by the representative of Poland, the Commission might well continue to discuss it now.

The representative of Poland stated that it would be advisable to postpone consideration of the question. He had merely wished to raise the point, but did not want to discuss the whole problem at this juncture. He thought that it ought to be discussed separately.

Mr. HSIA (China) thanked the representative of Poland for raising the question of genocide by means of narcotic drugs, and the representative of the United States for citing a particular instance of such genocide. He recalled that the point had been raised by the Chinese representative on the Genocide Committee and he understood that the point would be covered by the term "injuring health" in paragraph two of Article 2 of the Draft Convention on Genocide. If the Commission did not consider the phrase sufficient to cover genocide by use of narcotic drugs, however, it could forward its suggestions to the Economic and Social Council when the matter was considered by that Council.

Colonel SHARMAN (Canada) associated himself with the view expressed by the representative of Poland that the matter was too important to be discussed without notice. He was prepared to consider the point at any time, provided twenty-four hours notice was given so that members of the Commission would be able to give it the necessary consideration.

The CHAIRMAN agreed that the question should be considered more fully.

(c) Trusteeship Council

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No comments

(d) Specialized Agencies

Mr. ZAKY (Egypt) recalled that during the first session of the Commission when it was discussing remedies against the use of narcotic drugs, he had proposed and stressed the importance of education as a remedy. He had been supported by the representative of Mexico, who had stressed also social and economic reform as a remedy. Those were slow remedies, but they were extremely important. He had emphasized the important part which UNESCO could play in assisting the Commission. He expressed the wish that the Secretariat should inform UNESCO of the great importance which the Commission attached to this matter, and he asked for information concerning co-operation with UNESCO.

Mr. STEINIG (Director of the Division of Narcotic Drugs), in the absence of a representative of UNESCO, reported that all relevant documents of the first and second sessions of the Narcotics Commission, and all available documents for the third session of the Commission had been communicated to UNESCO, as well as other interested specialized agencies.

The CHAIRMAN suggested that the Secretariat could meet the wishes of the representative of Egypt by communicating the report of the Commission to UNESCO with a covering letter drawing attention to the special matters which would concern UNESCO.

Mr. LESLINGER (United States of America) commented that he understood that at the forthcoming session of the WHO, there was an item on the agenda on international control of narcotic drugs. He asked if the representative of WHO had any information on that point.

/Dr. FORREST

Dr. FORREST (World Health Organization) stated that the item on the agenda of the World Health Organization would cover a report on the mechanism of the international control of narcotic drugs and the role of WHO in that connection. When the Commission reached the consideration of the draft protocol (item 2 of the agenda), he would have more to say about the role of the WHO. An annotated agenda for the forthcoming session of WHO soon would be circulated to governments. The final session of the Interim Commission of WHO would take place in June prior to the meeting of the World Health Assembly. The Interim Commission would then be in a position to consider the draft protocol.

(e) Non-governmental Organizations

In response to a question asked by the representative of the Netherlands as to whether or not non-governmental organizations had the right to attend the meetings of the Narcotics Commission, the Chairman stated that non-governmental organizations had the right to participate as observers.

Colonel SHARMAN (Canada) asked if the Secretariat had any information concerning the International Criminal Police Commission. There had been such a commission headed by a Dr. Schultz. He wished to  
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know whether the Commission was an old or a new one. As it was sending a questionnaire on narcotics to the Central Office, it was important that the Narcotics Commission have full information about the organization.

Mr. STEINIG (Director of the Division of Narcotic Drugs) stated that from the letter of 1 March 1948, sent by the International Criminal Police Commission, it would appear that the Commission was identical to the old organization to which the representative of Canada referred. This letter mentioned that a conference of the International Criminal Police Commission would be held in Lisbon in September. The Secretariat would attempt to give the Narcotics Commission any information that it might receive in that connection.

Mr. ANSLINGER (United States of America) stated that the present head of the International Criminal Police Commission was M. Duclos, the former head of the French Sureté.

Mr. KRUYSSSE (Netherlands) asked if the Secretariat could furnish the promised information when item 8 on the agenda which dealt with the illicit traffic was discussed.

Mr. STEINIG (Director of the Division of Narcotic Drugs) answered that the Secretariat would furnish the information as soon as possible; if not during the discussion of item 8 of the agenda, at least, before the end of the session.

14. Rules of Procedure

No comments.

15. Publicity

The CHAIRMAN asked the Secretariat to arrange a showing of the film "To the Ends of the Earth" for the members of the Commission.

/Mr. STEINIG  
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Mr. STEINIG (Director of the Division of Narcotic Drugs) reverted to point 11 of the Progress Report concerning the request from the Government of Peru for a commission of enquiry to investigate the effects of the habit of coca leaf chewing.

The Economic and Social Council on 2 March 1948 had adopted a resolution approving in principle the sending of a commission of enquiry to Peru and calling upon the Secretary-General to submit to the Council, at its seventh session, a detailed plan on the question. He hoped that the representative of Peru who was not present at this meeting, would later be in a position to make a statement concerning the commission of enquiry, in order to facilitate the work of the Secretary-General in preparing a detailed plan for the Council.

Mr. Steinig asked the Commission to take note of the summary of replies received from governments in answer to the notes verbales sent by the Secretary-General to implement decisions of the Economic and Social Council or in pursuance of the provisions of the Conventions on Narcotic Drugs (document A/CN.7/125/Add.1).

A second addendum to document A/CN.7/125 would be circulated later.

DRAFT PROTOCOL TO BRING UNDER INTERNATIONAL CONTROL CERTAIN DRUGS NOT COVERED BY THE 1931 CONVENTION (Documents E/CN.7/115 and E/CN.7/115 Add.1 and Add.2)

Mr. STEINIG (Director of the Narcotics Division) reported that in addition to the observations on the draft protocol submitted by the Governments included in document E/CN.7/115, the Secretariat had received replies from the Governments of India (E/CN.7/115 Add.1) and Egypt (E/CN.7/115 Add.2) accepting the draft protocol without comment.

Speaking as the representative of Yugoslavia, the CHAIRMAN stated that while no formal action had yet been taken by his Government, the competent ministry had considered the draft Protocol and had recommended its adoption without comment. Official confirmation from the Government of Yugoslavia would be forthcoming in due course.

/Mr. STEINIG

Mr. STEINIG (Director of the Narcotics Division) pointed out that the number of positive replies received had an important bearing on further progress since Article 6 of the draft provided that twenty-five ratifications or accessions, including five of eleven specified countries, were necessary before the Protocol came into force.

To date, the Secretary-General had received twenty-six official replies of which nineteen accepted the protocol without observation. The other seven Governments had agreed to the Protocol in principle but had also submitted comments. The addition of Yugoslavia raised the total to twenty-seven.

Of the eleven countries enumerated in Article 6, answers had been received from China, Czechoslovakia, France, Netherlands, Sweden, Turkey, United Kingdom and United States of America. The representative of Yugoslavia had indicated that his Government would reply affirmatively. No answer had yet been received from Poland and the Union of Soviet Socialist Republics.

Referring to Resolution No. 86 (V) of the Economic and Social Council which instructed "the Secretary-General to prepare a draft protocol...and to circulate the draft to all Governments concerned, and to the Interim Commission of the World Health Organization for their early observations", Mr. Steinig wished to explain the absence of comments from WHO. A communication had been received from Dr. Gautier of the Secretariat of WHO stating that the Interim Commission had not received the letter and draft Protocol submitted to it on 16 December 1947 and therefore had been unable to discuss the text at its last session in Geneva. A second copy had been dispatched to WHO and the draft protocol would be considered at the Interim Commission's next session scheduled for 19 June 1948.

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Since the resolution in question provided for submission of all observations to the seventh session of the Economic and Social Council in July 1948, the Commission on Narcotic Drugs might request the Secretary-General to transmit the reply of the Interim Commission of WHO as well as any additional comments from Governments directly to the Council.

At the suggestion of the CHAIRMAN, the Commission decided that general discussion of document E/CN.7/115 was unnecessary and agreed to proceed directly to the consideration of the draft Protocol and the comments received from the various Governments.

Preamble of the Draft Protocol (document E/CN.7/115, page 5)

Mr. KRUYSSSE (Netherlands) felt that the opening statement "Considering that the progress of modern chemistry has resulted in the discovery of drugs, particularly synthetic drugs..." was inaccurate since the progress achieved was not due to chemistry alone. He thought moreover, that it was only necessary to mention synthetic drugs in the preamble.

Mr. Kruyssse proposed that the text should be amended to read: "Considering that the progress of modern pharmacology and chemistry has resulted in the discovery of synthetic drugs..."

Mr. ZAKUSOV (Union of Soviet Socialist Republics) agreed that it would be more accurate to attribute the discovery of new drugs to the combined efforts of chemists and pharmacologists and therefore endorsed the proposal of the Netherlands on that point.

Mr. STEINIG (Director of the Narcotics Division) stated that the Secretariat favoured the suggested reference to modern pharmacology and chemistry but felt that it was important to retain the original text "drugs. particularly synthetic drugs".

He explained that the Secretariat draft was intended to apply to paracodeine, a drug which was not synthetic and which should have been covered by the Convention of 1931. Inclusion of that drug had inadvertently been neglected and, since the drug was known in 1931, Article 11 made it

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impossible to correct the omission. The implementation of the recommendation of the Permanent Central Opium Board that a special protocol on paracodeine should be negotiated was prevented by the war. The protocol as drafted was designed to cover paracodeine as well as synthetic drugs and would therefore make a separate protocol on paracodeine unnecessary.

It was desirable to have the scope of the Protocol as broad as possible.

Colonel SHARMAN (Canada) felt that the question of extending or limiting the scope of the protocol by including or deleting a word in the preamble was most important to administrators. Action on paracodeine was long overdue.

He suggested that members might envisage the possibility of the discovery of a new drug or preparation similar to "pantopon". He wondered whether it could be effectively controlled if the word "drugs" were deleted from the preamble and mention was only made of synthetic drugs.

In view of the explanation furnished by Mr. Steinig, Mr. KRUYSSSE (Netherlands) agreed that it would be better to retain the reference to drugs as well as synthetic drugs in the text of the preamble.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) suggested that since certain preparations of drugs might have a high narcotic content it would be desirable to clarify the meaning by amending the text to read "all drugs and their preparations particularly synthetic drugs".

Mr. ZAKY (Egypt) supported the Soviet proposal. It was important to make the text as broad as possible so that all existing drugs and any new discoveries would be covered.

Mr. STEINIG (Director of the Narcotics Division) indicated that it might be difficult to incorporate the Soviet amendment in the preamble without redrafting the entire text. The Soviet amendment would be more

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appropriate in Article 1, paragraph 1, as part of the definition of "drugs".

Mr. ZAKUSOV (Union of Soviet Socialist Republics) felt that his amendment should be inserted in the preamble since it applied to the entire document.

Mr. KRUYSSSE (Netherlands) supported the Secretariat's suggestion to include the Soviet amendment in Article 1, paragraph 1 rather than in the preamble. He pointed out that discussion of the meaning of the word "drugs" was not necessary in the preamble.

Mr. MAY (Chairman of the Permanent Central Board) drew attention to the fact that the insertion of the expression "drugs and their combinations" in the preamble would involve the repetition of that cumbersome terminology throughout the Protocol. It would be better to define the word "drugs" at an appropriate place in the body of the text.

Mr. ZAKY (Egypt) saw no reason for not accepting the two suggestions. The Soviet amendment "drugs and their combinations" could be inserted in the preamble and the word "drugs" could be defined in Article 1, paragraph 1, as proposed by the Secretariat.

Mr. STAWSKI (Poland) was of the opinion that the preamble should be as general as possible while the text should be as precise as possible. He suggested that a small sub-committee should be appointed to make the necessary changes in co-operation with the Secretariat.

Mr. BOURGOIS (France) referred to the 1931 Convention which defined drugs in a restrictive list. The Commission could not alter that definition.

Colonel SHARMAN (Canada) expressed sympathy with the Soviet view that the scope of the text should be as broad as possible.

He suggested that the words "and their preparations" should be added after the word "drugs" in paragraph 2, line 2 of the preamble.

/The CHAIRMAN

The CHAIRMAN thought that, in accordance with scientific practice, explanation or definition of terms should appear as early as possible in the text.

The Commission agreed to refer the question to a sub-committee composed of the following members: Canada, Egypt, Union of Soviet Socialist Republics, Netherlands, France, Poland and United States of America.

The meeting rose at 1 p.m.