



United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961

Geneva — 6-24 March 1972

Official Records

Volume I:

Preparatory and organizational documents

Main Conference documents

Final Act and Protocol amending
the Single Convention on Narcotic Drugs, 1961

Annexes



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UNITED NATIONS—NEW YORK, 1974

INTRODUCTORY NOTE

The *Official Records of the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961*, are published in two volumes.

Volume I (E/CONF.63/10) contains, in addition to the list of delegations and other necessary organizational and preparatory documents, the proposed amendments, the Conference documents and reports, the Final Act, the Protocol amending the Single Convention on Narcotic Drugs, 1961, and the resolutions.

Volume II (E/CONF.63/10/Add.1) contains the summary records of the plenary meetings of the Conference and of the meetings of the main committees—Committee I and Committee II—of the Conference. The summary records include the corrections requested by delegations and such editorial changes as were considered necessary.

Symbols of United Nations documents are composed of capital letters and with figures. Mention of such a symbol indicates a reference to a United Nations document.

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CONTENTS

<i>Abbreviations</i>	<i>Page</i> vii
<i>Notes</i>	vii

PART ONE

Preparatory and organizational documents

A. Resolution 1577 (L) of the Economic and Social Council convening a plenipotentiary conference to consider amendments to the Single Convention on Narcotic Drugs, 1961	1
B. Work of the Commission on Narcotic Drugs at its twenty-fourth session regarding proposals for amendments to the Single Convention on Narcotic Drugs, 1961 (E/CONF.63/2)	1
1. Text of the amendments to the Single Convention on Narcotic Drugs, 1961, submitted by France, Peru, Sweden and the United States of America and brought to the attention of the Commission on Narcotic Drugs and considered by it at its twenty-fourth session	2
2. Summary records of the discussion at the twenty-fourth session of the Commission on Narcotic Drugs, relating to the amendments to the Single Convention on Narcotic Drugs, 1961	6
3. Chapter X of the report of the Commission on Narcotic Drugs on its twenty-fourth session, including the text of Commission resolution 1 (XXIV)	62
4. Text of a statement made by the representative of the International Narcotics Control Board on the role of the Board under the treaties	70
C. Note verbale by the Secretary-General dated 6 December 1971, inviting Governments to participate in the plenipotentiary Conference to consider amendments to the Single Convention	72
D. List of representatives and secretariat of the Conference	73
E. Report of the Credentials Committee (E/CONF.63/L.8)	83
F. Organization of the Conference and plan of work	84
1. Agenda	
(a) Provisional agenda (E/CONF.63/1)	84
(b) Agenda of the Conference	84
2. Organization of the work of the Conference and time-table (E/CONF.63/4 and Add.1)	85
3. Rules of procedure (E/CONF.63/3 and Add.1)	88

PART TWO

Main Conference documents

A. Amendments proposed to the Single Convention on Narcotic Drugs, 1961	95
1. Joint proposals for amendment (E/CONF.63/5 and Add.1-7)	95
2. Other proposals for amendments submitted to the plenary Conference	98
B. Draft resolutions and draft Final Act	
1. Draft resolution on the secretariat of the International Narcotics Control Board (E/CONF.63/L.4)	99
2. Draft resolution on technical assistance in narcotics control (E/CONF.63/L.7)	99

	<i>Page</i>
3. Draft resolution on social conditions and protection against drug addiction (E/CONF.63/L.6 and Rev.1)	99
4. Draft Final Act of the Conference (E/CONF.63/L.9)	100
C. Texts relating to the consideration by Committee I of articles 9, 12, 14, 19, 20, 24 and 35 of the Single Convention on Narcotic Drugs, 1961 and the proposed article 21 <i>bis</i>	101
1. Texts considered by Committee I	101
Article 9:	
E/CONF.63/C.1/L.24	101
E/CONF.63/C.1/L.25	101
E/CONF.63/L.3	101
Article 12:	
E/CONF.63/C.1/L.8	101
E/CONF.63/C.1/L.14	102
Article 14:	
E/CONF.63/C.1/L.2	102
E/CONF.63/C.1/L.3	102
E/CONF.63/C.1/L.4	102
E/CONF.63/C.1/L.5	102
E/CONF.63/C.1/L.6	102
E/CONF.63/C.1/L.7	103
E/CONF.63/C.1/L.10	103
E/CONF.63/C.1/L.11	103
E/CONF.63/C.1/L.23	103
E/CONF.63/C.1/L.26	104
E/CONF.63/C.1/L.27	104
E/CONF.63/C.1/L.29	104
Article 19:	
E/CONF.63/C.1/L.1	105
E/CONF.63/C.1/L.16	105
E/CONF.63/C.1/L.17	105
E/CONF.63/C.1/L.18	105
E/CONF.63/C.1/L.22	105
Article 21 <i>bis</i> :	
E/CONF.63/C.1/L.9	105
E/CONF.63/C.1/L.12	106
E/CONF.63/C.1/L.13	106
E/CONF.63/C.1/L.15	106
E/CONF.63/C.1/L.19	106
E/CONF.63/C.1/L.28	107
E/CONF.63/C.1/L.30	107
Article 24:	
E/CONF.63/C.1/L.21	108
Article 35:	
E/CONF.63/C.1/L.20	108
2. Texts approved by Committee I and submitted for consideration by the Drafting Committee (E/CONF.63/C.1/L.31 and Add.1-6)	108
Article 9	108
Article 12	108
Article 14	109
Article 19	109
Article 20	110
Article 21 <i>bis</i>	110
Article 35	110
[Article 38 <i>bis</i>] Text of additional provisions to amend the Single Convention, approved by Committee I at its 22nd meeting.	111

D. Texts relating to the consideration by Committee II of the preamble and articles 2, 10, 16, 22, 27, 36 and 38 of the Single Convention on Narcotic Drugs, 1961 and the proposed article 14 <i>bis</i>	111
1. Texts considered by Committee II	111
Preamble:	
E/CONF.63/L.1	111
Article 2:	
E/CONF.63/L.2	111
Article 10:	
E/CONF.63/C.2/L.1	112
Article 14 <i>bis</i> :	
E/CONF.63/C.2/L.3	112
E/CONF.63/C.2/L.5	112
Article 16:	
E/CONF.63/C.2/L.2	112
E/CONF.63/C.2/L.4	112
E/CONF.63/C.2/L.9	112
Article 22:	
E/CONF.63/C.2/L.12	113
Article 27:	
E/CONF.63/6	113
Article 36:	
E/CONF.63/C.2/L.8	113
E/CONF.63/C.2/L.11	113
Article 38:	
E/CONF.63/C.2/L.6	113
E/CONF.63/C.2/L.7	113
2. Texts approved by Committee II and submitted for consideration by the Drafting Committee (E/CONF.63/C.2/L.10 and Add.1-3)	114
Article 2	114
Article 9	114
Article 10	114
Article 11	114
Article 14 <i>bis</i>	114
Article 16	114
Article 22	115
Article 36	115
Article 38	115
3. Draft outline of an amending protocol prepared by the Legal Adviser to the Conference at the request of Committee II (E/CONF.63/C.2/L.13)	116
E. Memorandum prepared by the Legal Adviser to the Conference at the request of the General Committee on the form of an instrument to give effect to the amendments to a treaty	117
F. Report of the Drafting Committee (E/CONF.63/L.5 and Add.1-6)	120
E/CONF.63/L.5:	
Article 9 (paragraphs 1 to 3)	121
Article 38	121
Article 14 <i>bis</i>	121
Article 16	121
E/CONF.63/L.5/Add.1:	
Article 10 (paragraph 1)	121
Article 36	121
Article 11	122
Article 2	122

	<i>Page</i>
E/CONF.63/L.5/Add.2:	122
Article 19	
E/CONF.63/L.5/Add.3:	
Article 14	123
E/CONF.63/L.5/Add.4:	
Article 9 (paragraphs 4 and 5)	123
Article 12	124
Article 10 (pararaph 4)	124
Article 22	124
Article 20	124
Article 35	124
E/CONF.63/L.5/Add.5:	
Article 21 <i>bis</i>	124
E/CONF.63/L.5/Add.6:	
[Article 38 <i>bis</i>]	125

PART THREE

Final Act and Protocol amending the Single Convention

Final Act and Protocol amending the Single Convention on Narcotic Drugs, 1961 (E/CONF. 63/9)	127
Final Act of the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961	127
<i>Annex: resolutions adopted by the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961</i>	128
Protocol amending the Single Convention on Narcotic Drugs, 1961	129

ANNEXES

I. Index to amendments, proposed or adopted	135
II. Comparative table showing articles of the Single Convention considered by the Conference and the modifications effected by the 1972 Protocol	140

ABBREVIATIONS

ICPO/INTERPOL	International Criminal Police Organization
WHO	World Health Organization

*
* *

1912 Convention	International Opium Convention, signed at The Hague on 23 January 1912
1925 Convention	International Opium Convention, signed at Geneva on 19 February 1925, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946
1931 Convention	Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946
1936 Convention	Convention for the suppression of the illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946
1948 Protocol	Protocol signed at Paris on 19 November 1948, bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946
1953 Protocol	Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, signed at New York on 23 June 1953
1961 Convention (Single Convention)	Single Convention on Narcotic Drugs, signed at New York on 30 March 1961
1971 Convention	Convention on Psychotropic Substances, signed at Vienna on 21 February 1971

NOTES

1. For ease of references, an index to the amendments (proposed or adopted) to the articles of the Single Convention, in numerical order of the articles, showing document symbols and the pages of this volume where the texts are reproduced, is provided in annex ^v to this volume.
2. Annex II to this volume contains, for purposes of comparison, a table giving side by side, the text of articles of the Single Convention and the text of the modifications effected by the 1972 Protocol. For the text of the Single Convention, see United Nations, *Treaty Series*, vol. 520, p. 151.

PART ONE

Preparatory and organizational documents

A. RESOLUTION 1577 (L) OF THE ECONOMIC AND SOCIAL COUNCIL* CONVENING A PLENIPOTENTIARY CONFERENCE TO CONSIDER AMENDMENTS TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1577 (L). Convening of a plenipotentiary conference to amend the Single Convention on Narcotic Drugs, 1961

The Economic and Social Council,

Noting that amendments have been proposed to the Single Convention on Narcotic Drugs, 1961,³³

Bearing in mind article 47 of that Convention,

Taking into consideration the Convention on Psychotropic Substances adopted at Vienna on 21 February 1971³⁴ and seeking to assure the effectiveness of control of both natural and synthetic drugs.

1. *Decides* to call, in accordance with Article 62, paragraph 4, of the Charter of the United Nations, a conference of plenipotentiaries to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961;

2. *Requests* the Secretary-General:

(a) To convene such a conference as early as feasible in 1972;

(b) To invite to the conference:

* This text is reproduced as it appears in *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 1* (E/5073 and Corr.1).

³³ United Nations publications, Sales No. 62.XI.1.

³⁴ See E/4966. [For the text of the Convention, see *Official Records of the United Nations Conference for the adoption of a Protocol on Psychotropic Substances, vol. I* (United Nations publication, Sales No. E.73.XI.3), p. 117.]

- (i) Parties to the Single Convention;
 - (ii) Other States Members of the United Nations or members of specialized agencies of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice;
 - (iii) The World Health Organization and other interested specialized agencies, with the same rights as they have at sessions of the Economic and Social Council;
 - (iv) The International Narcotics Control Board, with the same rights as it has at sessions of the Economic and Social Council;
 - (v) The International Criminal Police Organization, with the same rights as it has at sessions of the Commission on Narcotic Drugs;
 - (c) To prepare provisional rules of procedure for the conference;
 - (d) To provide summary records for the conference and its committees;
3. *Requests* the Commission on Narcotic Drugs to study at its twenty-fourth session proposals for amendments to the Single Convention, taking into consideration the need to ensure the effectiveness of control of both natural and synthetic drugs, with a view to submitting comments as appropriate to the Conference; these comments would be fully taken into account by the Conference.

1769th plenary meeting,
20 May 1971.

B. WORK OF THE COMMISSION ON NARCOTIC DRUGS AT ITS TWENTY-FOURTH SESSION REGARDING PROPOSALS FOR AMENDMENTS TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

DOCUMENT E/CONF.63/2*

Comments of the Commission on Narcotic Drugs at its twenty-fourth session regarding proposals for amendments to the Single Convention on Narcotic Drugs, 1961: note by the Secretary-General

[Original text: English]
[17 December 1971]

The Secretary-General has the honour to communicate herewith the following documents relating to the amendments to the Single Convention on Narcotic

* Incorporating document E/CONF.63/2/Corr.2.

Drugs, 1961, considered by the Commission on Narcotic Drugs at its twenty-fourth session, held at Geneva, from 27 September to 21 October 1971:

The texts of the amendments submitted by France, Peru, Sweden and the United States of America brought to the attention of the Commission and considered by it at its twenty-fourth session (E/5082, annex VII);

Summary records of the discussion on this matter (E/CN.7/SR.694, E/CN.7/SR.695, E/CN.7/SR.708-713, E/CN.7/SR.719-721);

The relevant chapter of the Commission's report on the session, including the text of resolution 1 (XXIV) adopted by the Commission on this subject (E/5082, chap. X);

Text of a statement made by the representative of the International Narcotics Control Board on the role of the Board under the treaties (*ibid.*, annex VIII).

1. Texts of the amendments to the Single Convention on Narcotic Drugs, 1961, submitted by France, Peru, Sweden and the United States of America and brought to the attention of the Commission on Narcotic Drugs and considered by it at its twenty-fourth session**

AMENDMENTS TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, PROPOSED BY THE UNITED STATES OF AMERICA, SWEDEN, FRANCE AND PERU, AND CONSIDERED BY THE COMMISSION

TEXT OF AMENDMENTS PROPOSED, AND REASONS THEREFORE

A

Amendments proposed by the United States of America

Article 2

Paragraph 6—Revise to read "...opium is subject to the provisions of articles 19, 21*bis*, 23 and 24, ...".

Paragraph 7—Revise to read with respect to the opium poppy, "...subject to the control measures prescribed in articles 19, 20, 21*bis*, 22 to 24; ...".

Article 12

Paragraph 5—Replace this paragraph with the following:

The Board shall approve or modify estimates submitted by States as expeditiously as possible and consistent with the requirements of article 19. A State may at any time submit a supplementary estimate which the Board may approve or modify. In acting under this article the Board shall take into account the priorities of article 24.

Article 14

Paragraph 1 (a)—Replace the first sentence of this paragraph with the following:

If, on the basis of information at its disposal, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of any country or territory to carry out the provisions of this Convention, or that there is a danger of any country or territory becoming a centre of illicit traffic, the Board shall have the right to ask for

explanations from the Government of the country or territory in question.

Paragraph 2—Insert as a new paragraph 2 (and make consequential renumberings of subsequent paragraphs) the following:

If the Board considers that a local inquiry would contribute to the elucidation of the situation it may propose to the Government concerned that a person or a committee of inquiry designated by the Board be sent to the country or territory in question. If the Government fails to reply within four months to the Board's proposal such failure shall be considered a refusal to consent. If the Government expressly consents to the inquiry, it shall be made in collaboration with officials designated by that Government.

Paragraph 3—Replace the present paragraph 2 with the following:

The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c) above, may, if it is satisfied that such a course is necessary, require the Parties to stop, in whole or in part, within ninety days, the import of certain or all drugs, the export of certain or all drugs, or both from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned shall be entitled to be heard by the Board before a decision is taken by the Board under this paragraph. At any time after a decision is taken by the Board under this paragraph the State concerned may bring the matter before the Council, which may decide that the measures required by the Board shall be approved, modified, or terminated.

Article 19

Paragraph 1—Replace the main paragraph with the following:

The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, and the Board shall approve or modify, estimates on forms supplied by it in respect of the following matters:

Insert as an addition to sub-paragraph (d) the following phrase: "... which estimate the Board shall not modify;"

Add the following new sub-paragraphs: "(e) area (in hectares) to be cultivated for the opium poppy; and (f) quantity of opium to be produced."

Paragraph 2—Rename this paragraph as 2 (a) and insert the phrase "except opium" after the phrase "for each territory and each drug".

Insert a new sub-paragraph numbered 2 (b) as follows:

** Reproduced in *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 2 (E/5082)*, annex VII.

These amendments were subsequently superseded by the proposals in documents E/CONF.63/5 and E/CONF.63/6.

Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and opium shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.

Paragraph 3—Add at end of the sentence the following phrase: "...which the Board shall approve or modify."

Article 20

Insert as new sub-paragraph 1 (a) (and make consequential renumberings of subsequent sub-paragraphs) the following: "cultivation of the opium poppy;" Delete paragraph 3 and renumber paragraph 4 as paragraph 3.

Article 21 bis

Insert the following new article:

Article 21 bis

Limitation of production of opium.

1. The quantity of opium produced by any country or territory in any one year shall not exceed the estimate of opium produced established under paragraph 1 (f) of article 19.

2. From the quantity specified in paragraph 1 there shall be deducted any quantity that has been seized and released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

3. If the Board finds that the quantity of opium produced in any one year exceeds the quantity specified in paragraph 1, less any deductions required under paragraph 2, any excess so established and remaining at the end of the year shall, in the following year, be deducted from the quantity to be produced and from the total of the estimate as defined in paragraph 2 (b) of article 19.

Article 24

Insert a new paragraph numbered 6, as follows:

6. All production, export, and import of opium under the provisions of this article shall be subject to the provisions of articles 12, 14, 19, 21 and 21 bis.

Article 36

Sub-paragraph 2 (b)—Replace this sub-paragraph with the following:

(b) (i) Each of the offences enumerated in paragraph 1 shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraph 1. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraph 1 as extraditable offences between themselves subject to the conditions provided by the law of the requested Party.

Memorandum of the United States of America respecting its proposed amendments to the Single Convention on Narcotic Drugs, 1961

The international community has long recognized that the legitimate interests of no State are served by illegal narcotics activity. The first general multilateral convention relating to the suppression of the abuse of opium and other drugs was signed at The Hague in 1912. The Single Convention on Narcotic Drugs, 1961, codified earlier conventions, significantly advanced the principle that the production, manufacture, export, import, distribution of, trade in, use and possession of narcotic drugs should be strictly limited to medical and scientific purposes, and provided for continuous international co-operation. The United States believes it is now time for the international community to build on the foundation of the Single Convention, since a decade has given a better perspective of its strengths and weaknesses and of the magnitude of the narcotics problem.

The United States signified its intention to propose formal amendments to the Single Convention at the special session of the Commission on Narcotic Drugs in September 1970. In now submitting those amendments, the United States believes that an international conference, as envisaged in article 47, should consider them and all other amendments that may be proposed to strengthen the Single Convention on Narcotic Drugs, 1961, early in 1972. It hopes that the Economic and Social Council will decide to convene this conference and will request the Commission on Narcotic Drugs to devote part of its session in September 1971 to a preliminary consideration of the proposed amendments. The United States will be gratified if States will consider its proposals as useful basis from which to begin their consideration of what is necessary to strengthen the Single Convention, and it looks forward to a fruitful dialogue when they have had an opportunity to develop their own views.

The Single Convention provides essentially voluntary restraints on parties with respect to cultivation of the opium poppy, production of opium, manufacture of opium-derived drugs, and import and export of these substances. The United States proposals are designed to build wherever possible on the existing foundation and to provide the international community with new authority to control production and illegal traffic of narcotic drugs. In particular, the United States proposes that the International Narcotics Control Board should be strengthened. This Board, composed of eleven technical experts serving in their individual capacities, has demonstrated its ability to act impartially in seeking to restrict narcotics activity to medical and scientific requirements.

The United States believes that the functions and powers of the Board can be usefully strengthened in five key areas:

1. *Access to information.* The Board can at present require States to provide only information relating to consumption of drugs, stocking of drugs, utilization of drugs for the manufacture of other drugs, and import and export of drugs. The United States proposes that,

by the amendment of articles 14, 19 and 20, it be given the important additional authority to inquire about the cultivation of the opium poppy and the production of opium in the territory of a State party to the Single Convention. This will allow the collection of information about the raw material of narcotics from which illicit diversion normally occurs.

2. *Opportunity to make use of all available information.* The Board may now base its actions only on information officially submitted by a Government under an article of the Single Convention or communicated to it by United Nations organs. The United States proposes that, by the amendment of article 14, this authority be added to, so that the Board could act on the basis of all information that might become available to it by any means, not only the information officially submitted but also other information which it might obtain through public or private sources. This will be a particularly useful addition to its powers, since the official information released by Governments often does not and cannot provide data that are relevant to illicit diversion.

3. *Local inquiry.* The rapid spread of "hard" narcotics addiction has demonstrated the need to give the Board authority, in certain instances, to designate, with the agreement of the State concerned, an individual or a team to make on-the-spot inquiry into drug-related activities. The United States proposes that the Board be given this authority by the amendment of article 14.

4. *Power to modify estimates.* The Single Convention requires parties to furnish the Board estimates on consumption of drugs, stocking of drugs, and use of drugs to manufacture other drugs. These estimates are in turn linked to the manufacture and importation of drugs. The Board now may only question these estimates; it may not change them. The United States proposes that, in addition to requiring estimates for the first time on the cultivation of the opium poppy and production of opium (the areas where the threat of illicit diversion is greatest), the Board be given new authority to modify estimates submitted by States. This will permit the Board to control narcotics activity that is a real or potential source of illicit diversion and to adjust that activity to conform to world medical and scientific requirements as determined by experts. The United States proposes, therefore, the amendment of articles 12, 19 and 24, and the insertion of a new article 21 *bis* entitled "Limitation of production of opium".

5. *Mandatory embargo.* The Board may now only recommend certain steps to States parties, including that they cease the export and/or import of drugs to or from a particular country when the Board believes the aims of the Single Convention are being seriously endangered by reason of the failure of the country concerned to carry out the provisions of the Convention. The United States proposes that by the amendment of article 14, the Board be given the power to make such an embargo mandatory upon all parties in the above circumstances or when it determines that, regardless of intent or negligence, there is a danger that any country or territory is becoming a centre of illicit

traffic. As is the case at present, the country concerned would continue to have the right to appeal to the Economic and Social Council as the political body primarily responsible for supervision of the application of the Single Convention.

If these amendments are adopted, the international community will be able for the first time to require as a matter of right full information on the cultivation of the opium poppy and the production of opium, to order reductions in cultivation or production where there is a significant danger of illicit diversion or where world needs are already being met, and to order worldwide remedial measures to be taken.

Additionally, the United States believes it would be desirable, by amending article 36, to strengthen the extradition provisions contained in the Single Convention along the same lines as the new Convention for Suppression of Unlawful Seizure of Aircraft recently adopted at The Hague. Narcotics offences already enumerated in the Single Convention would thus immediately become extraditable offences.

B

Amendments proposed by Sweden

Article 36: "Penal provisions"

1. Re-number para. 1 as para. 1 (a)
2. Insert thereafter a new para. 1 (b), reading as follows (cf. article 22, para. 1 (b) of the Convention on Psychotropic Substances):

Notwithstanding the preceding sub-paragraph when abusers of narcotic drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

Article 38: "Treatment of drug addicts" (cf. article 20 of the Convention on Psychotropic Substances)

1. Change the title of this article to read "Measures against the abuse of narcotic drugs".
2. Delete the present text of the article entirely and replace with the following:
 1. The Parties shall take all practicable measures for the prevention of abuse of narcotic drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to those ends.
 2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social re-integration of abusers of narcotic drugs.

Explanatory note

The Swedish Government shares the view held by the Government of the United States, as expressed in a letter of 18 March 1971, that the Single Convention needs to be strengthened and that ways and means should be found to increase the possibilities of action by international narcotics control organs. The Swedish Government finds it appropriate to revise the Single Convention, especially as the Government has noticed

with concern an incipient abuse of raw opium in its country. There are today some hundred opium abusers in the Stockholm area. Luckily, Sweden has not yet become plagued with heroin abuse, but, noting the risk of such abuse, the Swedish Government is favourable to measures aimed at reducing the illicit traffic in opium.

It is, however, the view of the Swedish Government that one further aspect should be stressed in this context and that is that meaningful action against drug abuse must be directed both against supply and demand. There must, in other words, be a proper balance between control measures, law enforcement etc., on the one hand, and therapeutic and rehabilitative activity on the other. The Swedish Government therefore affirms that in the revision of the Single Convention both these aspects have to be taken into consideration.

It is against this background that the Swedish Government is proposing amendments to articles 36 and 38 of the Single Convention.

The Swedish amendments correspond almost verbatim, *mutatis mutandis*, to articles 22 and 20 of the Convention on Psychotropic Substances, in which, according to the Swedish Government, the provisions for treatment and rehabilitation of addicts are more in line with modern views on drug abuse than those of the Single Convention.

C

Amendments proposed by France

Article 10: "Terms of office and remuneration of members of the Board"

Replace paragraph 1 by the following:

1. The members of the Board shall serve for a period of five years, and shall be eligible for re-election.

Article 12: "Administration of the estimate system"

Replace paragraph 5 by the following:

5. Except as regards requirements for special purposes, the Board shall approve or amend the estimates submitted by States as expeditiously as possible and in accordance with the provisions of article 19. Any State may at any time submit supplementary estimates which the Board may approve or amend.

Article 14: "Measures by the Board to ensure the execution of provisions of the Convention"

Add to paragraph 1 the following sub-paragraph:

(d) If, on the basis of information at its disposal, the Board has reason to believe that the purposes of this Convention are seriously jeopardized [or] [and] that a country or territory would seem to have become an important centre of illicit traffic, it may, if it thinks such action necessary for the purpose of clarifying the situation, request the Government concerned to authorize the sending of [an investigator or committee of inquiry appointed by the Board] [a representative of the Board or a working party appointed by it] to the country or territory in question. Before making such a proposal, the Board, in accordance with sub-paragraphs (b) and (c) above, must have asked for explanations from the Government of the country or territory concerned. If the Government does not reply within a period of four months to the request to authorize [an invest-

igation by the Board] [a local survey by the Board], such failure to reply shall be regarded as a refusal. If the Government gives its express consent to the proposed [investigation] [survey], the [investigation] [survey] shall be conducted in collaboration with officials appointed by the Government and in conformity with procedures prescribed by the Government, due account being taken of the constitutional, legal and administrative system of the State concerned.

Explanatory note

Introduction

One is now in a position to say that the 1961 Convention has been a success, as witness the establishment of the International Narcotics Control Board. The work of the Board, which is displaying increasing mastery of the difficult task entrusted to it by the conventions, can only be a cause of gratification to all.

Seventy-nine States are parties to the 1961 Convention, and it should be recalled that 17 States are parties to the 1953 Protocol without yet having ratified the 1961 Convention. This means that 96 States have accepted, in respect of opium derivatives, either the provisions of the 1961 Convention or the stricter provisions of the 1953 Protocol.

It would therefore seem that a further step forward can be taken, and that the time has come to give practical effect to resolution 1577 (L) of the Economic and Social Council by convening a conference of plenipotentiaries to consider all the amendments proposed to the 1961 Single Convention.

France's attitude to changes in the Single Convention will be determined by two considerations:

1. France, as the responsible authorities of the United Nations have clearly acknowledged, is still associated with the 17 countries parties to the 1953 Protocol and not parties to the 1961 Convention, and it cannot repudiate the attitude it took up when the Protocol was being discussed and adopted. At that time, France was not directly concerned with the problem of drug addiction and was guided only by the wish for international unity in the campaign against this social problem.

2. While the amendments proposed might help to reduce illicit trafficking, prior consideration should be given to the question whether it would not be more realistic to make use first of all the possibilities provided by the treaties in force. Care must be taken to avoid a situation in which some States refused to ratify certain amendments because they infringed their constitutional principles. The French aim will be to obtain as wide a measure of support as possible for new measures needed to meet the considerable spread of drug addiction.

Statement of reasons

1. Under article 10 of the Convention, members of the Board serve for a period of only three years. The two tasks entrusted to the Board are of such a delicate nature that members need time in which to familiarize themselves with the situation. It would seem rather unwise to bring about excessively frequent

changes in the membership, for that might have the effect of leaving too much to the Board's secretariat, gratifying though the quality of its services has so far been. It is on account of the same desire that the Board should be independent that France has always opposed the suggestion that its secretariat should be merged with other United Nations services.

Lastly, the members of the Board should be assured of an atmosphere of calm in which to go about their duties.

For the above reasons, an amendment to article 10 is proposed which would raise the period of service of members to five years.

2. An amendment to article 12 is proposed which would strengthen the powers of the Board with regard to the estimates of the consumption, manufacture and stocking of narcotic drugs. It is no secret that many Governments have taken the Board's unofficial advice on this point in the past. The moment therefore seems ripe to make this practice official by empowering the Board to modify certain estimates, strictly in accordance with the Convention, and taking into account in particular the provisions of article 19, paragraph 1 (d), and article 21, paragraph 1 (e), relating to "special purposes".

3. It would seem essential to strengthen the powers of the Board as laid down in article 14 of the Convention. Experience has shown that an investigation or local survey of the problem raised either by the impossibility of adequately controlling losses of narcotic drugs from the licit traffic, or by difficulties due to illicit production or manufacture, has been very enlightening, not only to other countries but also to the country concerned. Such a local inquiry must in no circumstances, however, infringe national sovereignty, and the amendment to article 14 has been drafted with that imperative in mind.

D

Amendment proposed by Peru

Article 27: "*Additional provisions relating to coca leaves*"

Add the following text at the end of article 27, paragraph 1:

If a Party imports coca leaves for the preparation of a flavouring agent, it shall be authorized to use them in the extraction of alkaloids only to meet its domestic requirements and in accordance with the estimates published by the Board.

Explanatory note

This proposal is prompted by the responsibility of Peru, as a coca-leaf producing country, to make every effort in its power to prevent illicit traffic in narcotic drugs.

To this end, the manufacture of alkaloids derived from coca leaves should be limited and controlled by the countries producing this narcotic drug. It is therefore essential to limit imports of coca leaves to the quantities required by each importing country to meet its domestic requirements, and thus to prevent the

manufacture of alkaloids for export by countries not producing coca. This would help to solve the grave problems involved in the international control of the production and manufacture of and trade in narcotic drugs.

The effect would be that coca leaves would no longer be regarded as an export product, and a step would be taken towards effective international co-operation in this matter.

The text of this amendment is submitted as a working paper open to improvement in the light of discussion, especially as regards the possibility of extending the proposal to other narcotic drugs.

2. Summary records* of the discussion at the twenty-fourth session of the Commission on Narcotic Drugs relating to the amendments to the Single Convention on Narcotic Drugs, 1961

(E/CN.7/SR.694, E/CN.7/SR.695,
E/CN.7/SR.708-713, E/CN.7/SR.719-721)

[Note: Only those parts of the summary records relating to the consideration of proposed amendments to the Single Convention are reproduced below.]

[E/CN.7/SR.694]

SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FOURTH MEETING

held on Friday, 1 October 1971, at 9.35 a.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (E/4971 and Add.1, E/CN.7/540)

Mr. INGERSOLL (United States of America) said that, pursuant to Economic and Social Council resolution 1577 (L), a plenipotentiary conference would meet at Geneva in March 1972 to consider proposals for amendment of the 1961 Single Convention on Narcotic Drugs.¹ In preparation for that conference, the Council had requested the Commission at its current session to examine and comment on proposed amendments.

Since the initial formal proposals for amending the Convention (E/4971 and Add.1) stood in the name of his Government, it seemed appropriate that he should begin the debate by explaining them and telling the Commission why the United States of America had taken the lead in that effort to strengthen the Convention.

He would deal first why the United States had promoted that initiative. The very existence of the ever-

* These texts are reproduced as they appear in documents E/CN.7/SR. or Min.696-703 and E/CN.7/SR. or Min.704-721.

¹ United Nations publication, Sales No. 62.XI.1.

growing narcotic addiction the world faced at the present time was in itself eloquent evidence that the Single Convention's provisions for controlling the production of and traffic in narcotics required review.

Each time efforts had been made to formalize and give permanent structure to the fight against drug abuse in a multilateral treaty, going back to President Theodore Roosevelt's call in 1909 for a conference to ban opium smoking, and each time the Commission had entered into a session of the present kind, the United States had sought more effective control of the production of opium.

The United States representatives had come to the 1925 Conference desiring more rigid control and limitation on opium production. They had not succeeded. Again in 1931, the United States had come to a conference intent on persuading Governments to adopt the concept that nothing could be done to resolve the addiction problems of the world so long as opium was so freely available. Although some progress had been made with the coming into force of the 1931 Convention, the matter of over-production of opium and the lack of adequate international regulatory machinery had remained.

In the post-war period, the results of those deficiencies in international controls had begun to be apparent. The United States had, however, been particularly pleased with the Conference which had produced the 1953 Protocol. That treaty was designed to limit and better regulate the cultivation of the poppy and the production and distribution of opium.

In 1961, Governments had recognized that narcotic drugs continued to be a serious evil, and they had designed a new comprehensive Single Convention on Narcotic Drugs—in the hope of doing what no other treaty had done, i.e. limiting production and distribution of narcotic drugs exclusively to medical and scientific uses. Unfortunately, in the view of the United States, the Single Convention had not provided sufficient regulatory measures to carry out its intent and purposes.

To determine what had been happening through the years since the system of international controls had been in action, it was only necessary to look at the 1969 report of the International Narcotics Control Board.² A graphic illustration in that report showed that the licit production of opium had steadily declined from a high of over 1,700 tons in 1930 to an average of about 800 tons annually between 1963 and 1968. One might have assumed that something had been accomplished, even taking note of the fact that in 1969 declared production was about 1,200 tons.

What the diagram did not show, and what the United States believed to be indicative of inadequate regulatory provisions in the Single Convention, was that there was today more opium available for illicit purposes than ever before. As the production of opium for legitimate use decreased, more opium was becoming available for illicit use. The Board conservatively estimated an illicit production of over 1,200 tons

annually. In the judgment of the United States, that was an understatement; it believed there was a great deal more. In fact, it had reason to believe that almost that amount was produced in the South-East Asia area alone. When the production in other parts of the world, the Near and Middle East and Latin America, was also considered, many hundreds of tons were added to the problem.

That defied the whole concept of the Single Convention. The supposed objective was to limit the production and distribution of opium to medical and scientific uses, but the treaty adopted in 1961 was not achieving that objective. It had prevented diversion from legitimate channels and forced diversion back to the point of original production. Now was the time to close that gap. Now was the time to adopt measures that would provide better facilities to monitor and regulate all aspects of the cultivation and distribution of opium and its products, both licit and illicit.

The Single Convention, at its adoption in 1961, had represented the most significant consensus of States up to that time on the control of narcotic drugs. In 1971, however, the drug abuse problem was so different in degree from what it had been a decade before that it might be said to be different in kind. Ten years previously, States were united in humanitarian concern for the relative handful of unfortunates who had fallen victim to drug abuse, and had sought to protect by common action those not yet affected. Today they faced a rapidly spreading contagion to which no country was immune and which threatened society itself. A new consensus was needed.

The United States proposals in essence would increase the authority of the Board to enable it more readily to ascertain the extent of compliance with the Convention and to promote remedial action that would adjust world opium production to medical and scientific requirements, thereby preventing diversion to illicit uses. Admittedly, the task the United States proposed should be given to the Board would not be easy for it. But it had no doubt that the Board, motivated as it was, would readily accept and responsibly discharge such new responsibilities.

Before commenting on each of the United States proposals, he wished to refer to a point his Government had made in transmitting its proposals to the Secretary-General in March 1971. In his letter to the Secretary-General, the United States Ambassador to the United Nations, Mr. Bush, had said that the United States believed its proposals would significantly strengthen the international community's ability to restrict narcotics uses exclusively to medical and scientific purposes. But he had made it clear at the same time that the United States did not presume to have all the answers. It recognized that there were other ways to approach the problem and it urged other States to come forward with their own ideas for improving the 1961 Convention. The United States Government would hope that the Commission would also encourage countries to come forward with proposals—and in sufficient time so that they could be studied by Governments in ad-

² United Nations publication, Sales No. E.70.XI.2 (E/INCB/5).

vance of their participation in the March 1972 Conference.

As he had already noted, the United States proposals sought to strengthen the Convention by giving the International Narcotics Control Board greater authority to act and a better basis for action.

It seemed to the United States that the Board was seriously handicapped, because it did not in the first place have adequate access to information about the cultivation of the opium poppy and opium production. It considered it essential that the Board should have full information about those stages in the narcotics cycle, because they were now the critical points at which the risk of illicit production or diversion of raw materials was greatest.

Accordingly, it had proposed that articles 19 and 20 should be amended to enable the Board, as a matter of right, to obtain from States—first, estimates of their intended poppy cultivation and opium production, and then accurate statistics of what had actually occurred. Under the present Convention, statistical returns on the past year's poppy cultivation were available to the Board only as a matter of favour. The United States believed that the requirements it proposed would in fact impose little if any added administrative burden on producer States in view of the existing requirements of article 23. Moreover, States parties to the 1953 Protocol were even now required to furnish most of the information which the United States proposed the Single Convention should also require, and there would be practically no additional burden on those States. But it was axiomatic that the Board could not act with wisdom and fairness if it did not have full statistical information on all opium-bearing poppies, since there was the risk that opium from poppies intended for vegetable uses or for the direct production of morphine might be diverted into illicit channels. For that important reason, the proposed United States amendment to article 20 would extend the reporting requirements of the 1953 Protocol, which were limited to poppies cultivated with the intention of producing opium.

It was also axiomatic that the Board could not act effectively and credibly if important factual questions remained under dispute and were never resolved. So the United States suggested that article 14 should be amended to provide that the Board could, whenever it believed there was a need to clarify a matter of fact, request that an on-the-spot inquiry be undertaken by the Board in the State concerned, with that State's consent and with the co-operation of its own officials. Such a procedure would benefit States by providing them with the opportunity to clarify a situation not only for the world community but also for their own administrative purposes.

Those proposals all sought to facilitate for the Board the maximum access to all relevant and available information. The United States believed also that the Board should have further-reaching and more flexible power, so that it might ensure compliance with the Convention. As the Convention now stood, article 14

provided gradually escalating measures that the Board could take when it had reason to believe there might be inadequate compliance. But the Board could begin that process only on the basis of information supplied by the Government concerned or by a United Nations organ. In some instances the State concerned might simply not have, and therefore be unable to provide, data relevant to illicit activity.

What were the other sources that could provide relevant information to the Board? Other Governments, in the first place. University scholars, perhaps, in the second place; also, in some cases, private individuals and enterprises expert and knowledgeable in the drug field. All information provided from such sources would, of course, not have equal value. The Board would have to sift through it. But the Board's members were discreet; they were experienced experts of world repute and they could be expected to evaluate such information wisely in deciding whether or not to initiate the measures set out in article 14.

So much for the need to provide the Board with adequate data about world narcotics activity. It followed that, once the Board had that information, it should be able to act meaningfully to control that activity and see to it that narcotics were being produced and distributed for medical and scientific purposes only.

The United States had proposed amendments to articles 12, 19 and 24 and a new article 21 *bis*, which were designed to ensure that States had adequate supplies of narcotic drugs for medical and scientific purposes but that drugs in excess thereof were not available for illegal purposes. Those amendments would enable the Board to confirm or modify estimates submitted by States of their poppy cultivation, opium production or other narcotic drug activity, and would commit States to observe the Board's estimates.

Those changes would mean that for the first time all narcotics activity by States, whether intended for international or purely domestic markets, and particularly opium cultivation and production where the risk of illicit diversion was greatest, would be carried on subject to central and expert supervision. The United States recognized, of course, that any advance estimate of cultivation and production could only be just that—an estimate—and the Board, in evaluating it, would have to take the variables, such as climatic conditions, fully into account. But, based on experience, the Board could be expected to take all relevant factors into consideration.

The Board would be provided with a potentially still more important tool—the power to impose a drug embargo upon a State for flagrant violation of the Convention. The Board already had the power under the present text of article 14 to recommend a partial or total drug embargo. What the United States proposed in effect was to add to the Single Convention a power enjoyed by the Board under the 1953 Protocol. The Board had shown restraint in its possession of that authority under that Protocol, and had shown the same restraint in applying its current recommendatory power. It was the United States conviction that the Board would

impose an embargo only in the gravest emergency, and only then when all other measures had been exhausted and no other recourse was open to protect the international community.

It seemed clear that the States which had joined together in the Single Convention had done so not only to assure themselves of an adequate supply of drugs for medical and scientific purposes but also to protect their societies against drug abuse. They should, therefore, through the Board as their control instrument, be able to isolate as necessary a source of the contagion which could not be dealt with by less drastic means.

Lastly, the United States had proposed that article 36 of the Single Convention should be modified to permit easier and speedier extradition for drug offences listed in that article. Its proposal was modelled on the extradition provisions of the 1970 Convention to Suppress Unlawful Seizure of Aircraft and should therefore prove readily acceptable to most countries. The provision would facilitate extradition, particularly between States where a bilateral extradition treaty did not specifically cover serious drug offences. Depending upon national constitutional considerations, it might also facilitate extradition between States which did not at present have a bilateral extradition treaty.

The United States considered that that series of amendments, taken as a whole, would greatly increase the international community's ability to regulate production and activity in narcotic drugs so as to protect its supply of legitimate drugs and to prevent illicit diversion. The international community would be able to require as a right full information on the cultivation of the opium poppy and the production of opium. Acting on the basis of that information, it would be able to order reductions in poppy cultivation or production or manufacture of drugs, as well as additional world-wide remedial measures where it found a significant danger of illicit diversion or where it determined that the world needs of opium were already being met. On the other hand, if it found a shortage either of the raw material or of the manufactured medical drugs themselves, it could take meaningful steps, again on a world basis, to increase the available supply by revising national estimates upward.

The United States also believed those proposals would facilitate what must be a priority international effort to cope with the illicit production of opium, which was one of the root sources of the present world drug emergency. The Board's new authority and particularly its right to limit all phases of licit drug activity to the minimum it found to be necessary for global medical and scientific purposes, would provide it with justification to embark upon more vigorous efforts to identify sources and amounts of illegal activity. The right to obtain total information on all phases of narcotic drug activity, including the right to initiate a request for local inquiry where necessary to clarify a situation, and the ability to utilize all information in commencing the procedures of article 14, would greatly increase the Board's capacity to encourage and assist States in a more complete compliance with their obligations under

the Convention. Finally, the United States believed that States would give greatly increased attention to the Board's quiet counsel if the Board were entrusted with taking in exceptional circumstances so serious a step as the imposition of a drug embargo.

Above all, however, the United States believed that the total effect of increasing the Board's access to information, the freedom with which it might use the information, its powers to supervise and regulate all aspects of narcotic drug activity, and the remedial measures it might order would indeed be greater than the effect of each individual reform. The sum of the whole would amount to a new reaffirmation by the international community that it regarded drug abuse as a deadly threat to individuals and to society. It would also constitute a new mandate to the Board to exercise all its supervisory powers—both the new and the old—with increased vigour.

The United States Government had presented and explained those proposals to well over 100 other Governments. In addition, special United States teams, two of which had been headed by Ambassador David Popper and Ambassador Joseph Jova, and one of which he himself had had the honour to lead, had held consultations in more than 30 capitals, and in particular with the Governments represented in the Commission. In those consultations, views have been exchanged on the proposals submitted by the United States and on the prospects for the March 1972 plenipotentiary conference. He would like now to describe briefly some of the results of those consultations.

He would first of all like to express his Government's appreciation of the courtesy and consideration with which its teams had been received. They had found, almost everywhere they had visited, a great concern, similar to their own, over the alarming world trend of increased drug abuse, and they had found an encouraging conviction in many capitals that March 1972 was none too soon to consider evolving a new international consensus for stronger multilateral commitments to drug control.

The United States Government had said, when it had submitted its proposals, that it would be gratified if States would consider its proposals "a useful basis from which to begin their consideration of what is necessary to strengthen the Single Convention". It had been encouraged by its consultations to believe that the dialogue it had sought was under way and that the pace had been advanced at which all members could work in the Commission and during the coming months to make a success of the March conference.

The United States had received a number of indications of support for specific proposals and in many capitals it had received indications of general support for its approach. Nowhere had it found any complacency that the international drug control system was working satisfactorily. It had received many helpful suggestions for refinements that would sharpen the focus of its proposals and make them more generally acceptable.

A number of countries had told the United States quite frankly that certain of its proposals gave them

some difficulty and required some further study, particularly those proposals which were viewed as entrusting the Board with powers that had hitherto been exclusively the province of States. Many countries had told it that the complex intra-governmental process of review and ministerial co-ordination was still in progress and discussions with them could be considered to be only preliminary.

The United States was gratified to learn that, because of the imminence of the plenipotentiary conference, a number of States were studying with renewed attention and positively, not negatively, the possibility of acceding to the Single Convention. Instead of deterring ratification, the United States initiatives seemed to have stimulated new interest in that possibility.

He proposed to indicate some of the specific areas in which the United States had profited from its consultations in developing its own ideas further. Perhaps that part of the discussion would be helpful to the other delegations and provide them with some food for thought.

First, the United States had received a number of technical suggestions on means by which the objectives it sought could be better accomplished. Several States had pointed out that, as the proposal for amendment of article 36 was now drafted, it would exclude from crimes subject to the improved extradition procedure conspiracy, attempt and accessory acts, all of which were now listed in article 36, paragraph 2 (a) (ii), of the Convention.

As another example, it had been pointed out to the United States that somewhat greater precision might perhaps be given to two general themes which ran throughout its proposals, namely, that the Board should be charged with determining, in so far as feasible, the facts of illicit as well as licit narcotic drug activity and that States should have an obligation to transmit to the Board such facts as they could assemble about illicit activity. It might be that a specific provision should be inserted into the Convention to the effect that States should endeavour to inform the Board annually of all information relevant to narcotic drug activity, including illegal cultivation of opium poppies and production of opium or manufacture of other narcotic drugs within their own borders.

Several experts with whom the matter had been discussed had said that the wording of the proposed new article 21 *bis*, which provided that the excess production over the previous year's estimate shall be deducted from the next year's estimate, appeared to be excessively rigid. The Board, they noted, might in its wisdom, and considering all factors of the world opium situation, prefer in a given instance not to deduct precisely the amount of the previous year's excess, particularly since that excess might have been due entirely to natural causes and might have been put to valid medical and scientific uses.

In a similar manner, the United States had been told that practical considerations related to the time of year in which the Board considered statistics and the

time of year in which countries had to plan for and plant crops might make it impossible in some instances for the next year's estimate to reflect the Board's decisions under article 21 *bis*. It had been suggested that adjustment in the estimates might thus in some instances have to be deferred, for example, to the next planned production.

It might well be possible to find wording that could be responsive to such technical concerns, reflect more clearly the spirit of the original United States proposals and provide the Board with the suggested additional flexibility. Such wording might make clearer the fact that the Board, in acting upon estimates of opium production, should take into account, in the manner it deemed appropriate to the situation, the record of illicit as well as licit activity within a country.

As the Commission's debate continued, undoubtedly other technical matters of that sort would be referred to. The United States welcomed a common effort to improve its proposals. However, he would like also to refer to two significant and general trends which the United States had observed during its consultations.

First, as he had said, a number of States had called attention to the fact that the United States proposals involved the delegation to the Board of significant powers hitherto exercised unilaterally by States. The United States had perceived that many States, while fully respectful of the Board's competence and good sense and aware of the importance of increasing the Board's prestige and its ability to give central direction to world narcotic activity, none the less considered that safeguards should be built into the United States proposals. It had received during its consultations a number of specific suggestions on safeguards that might be added to those relating to the Board's ability to make use of all information at its disposal, to revise estimates and to impose a mandatory drug embargo. It welcomed those suggestions and was receptive to all proposals which sought to protect the legitimate interests of States. In particular, it thought it might be useful for the March 1972 conference to consider delineating procedures by which, at the earliest possible moment, the Board might inform a State of information at its disposal and on the basis of which the Board contemplated taking action.

It also thought useful consideration could be given to procedures by which decisions of the Board might be presented to an appeals body for prompt review and to the delineation of the modalities by which a local inquiry requested by the Board and consented to by a State might be carried out.

In all those matters, the United States believed a frank exchange of views and careful preparatory work could lead to a consensus at the March conference which would ensure protection for the legitimate interests of States, while at the same time increasing the authority of the Board and its capacity to undertake meaningful action.

Secondly, many States had pointed out to the United States that its proposals, as at present formulated,

concentrated on improving the supervisory and regulatory powers of the Board and upon increasing the penalties for States for non-compliance with obligations under the Single Convention. However, all States had come to recognize that the problem of adequate control of narcotic drugs was a complex one, of which the legal commitments undertaken by States comprised only one aspect. Often social and economic realities made it difficult or impossible for States to control narcotic drug activity as they would wish.

The international community had been devising increasingly sophisticated and imaginative tools with which to attack the totality of the drug problem. Most recently, there had been the establishment of the United Nations Fund for Drug Abuse Control, which was designed specifically to give assistance to States seeking to work effectively on one or another aspect of drug control.

The consultations which the United States had held had convinced it, therefore, that it would be useful for the March Conference to consider ways in which the Single Convention could be amended to take into account those newer aspects of the approach to the drug problem. Specifically, it believed it was important to consider ways in which the Board, in exercising its functions under the Single Convention, could co-operate most effectively with other United Nations efforts to improve the drug situation, including the provision of assistance under the United Nations Fund for Drug Abuse Control. It might be advantageous to consider whether the Board should be empowered under article 14 of the Single Convention to recommend to the Economic and Social Council or other United Nations bodies and institutions, including the Fund for Drug Abuse Control, ways in which those bodies and institutions might assist States in executing the provisions of the Convention and in furthering its objectives.

He would now like to turn to the question of how the Commission, as a matter of procedure, might respond to the request of the Economic and Social Council in its resolution 1577 (L) that it should study at its current session proposals for the amendment of the Single Convention and submit comments as appropriate to the March conference. The Commission had now embarked on the first step—a thorough debate—and it was to be hoped that all members of the Commission and the observers would actively participate and put forward their views.

In addition, the Commission should, in his delegation's opinion, adopt a resolution at the conclusion of the debate which would forward the records of its discussions to the March conference. He would hope that the same resolution might also recognize that, during the decade since the Single Convention had been adopted, the abuse of narcotic drugs had reached critical proportions and constituted a menace to which no country could feel immune, and that those developments warranted a review of the Convention, bearing in mind the urgent need strictly to limit the use of narcotic drugs exclusively to medical and scientific purposes. It would logically follow that such a reso-

lution would also welcome the convening of the March conference and recommend that Governments should give urgent study and consideration not only to the amendments already proposed but also to the desirability of themselves proposing additional amendments. His delegation was consulting with other members of the Commission about the text of such a resolution.

To sum up, his Government's position was as follows. First, the very existence of the present narcotics plague, the very fact that in 1971 there was more opium available for illicit purposes than ever before, proclaimed, for all the world to see, that the international control system now in force needed improvement. Second, the world community should tighten—indeed, had an obligation to tighten—those controls to regulate all aspects of the cultivation and distribution of opium and its products, both licit and illicit. Third, the United States had put forward specific proposals as to how that might be done and it thought they would be effective. Fourth, it did not, however, regard its proposals as sacrosanct; it welcomed suggestions for new improvements; it hoped also that other countries would come forward with their own proposals, whether or not related to ones the United States had already made. It was pleased to see that the Swedish delegation had already begun that constructive process. Fifth, it would study all proposals with care and judge them solely on the criterion of whether they would increase international co-operation and the international capacity to deal with the common menace. Sixth, it knew that any reform of the Single Convention must command very wide support if it was to be meaningful and it would do everything it could to promote the broadest possible consensus. It would work in the coming months and at the conference next March to that end.

The United States delegation would listen with great interest to the statements that other delegations would make during the discussion of the agenda item. If it appeared to be useful, it would try to respond and comment in some detail on particular points.

At the request of the CHAIRMAN, Mr. ANSAR KHAN (Secretary of the Commission) read out the text of Economic and Social Council resolution 1577 (L).

Dr. MÅRTENS (Sweden) said that ever since it had become a member of the Commission Sweden had assumed an active role in promoting effective international control over dependence-producing drugs.

Recent experience had taught Sweden the lesson that, in the world today, no country alone could protect itself against the evils of drug abuse—no matter how ambitious its own control system, no matter how thorough its national legislation. Without the active collaboration of other, surrounding countries its own drug problems were destined to remain unsolved.

Experience had also brought awareness that it was often presumptuous to expect collaboration from countries in which certain drug problems had not yet become obvious. It was understandable that it might seem unwarranted for a Government to adopt strict control

measures relative to drugs which seemed to constitute no particular threat to public health in its own country at the present time—unless it was realized that next year, perhaps even next month the new abuse might be spreading like a prairie fire.

For reasons which the Swedish delegation had elaborated sufficiently in the past, Sweden's interest had focussed on the central nervous system stimulant drugs. It felt now that, as soon as the 1971 Convention on Psychotropic Substances had been ratified by a sufficient number of States, the spread of that particular type of abuse would finally be curbed. As a matter of fact, signs of an abatement of the abuse of central nervous system stimulants had already been observed in Sweden. That made it feel cautiously optimistic and very grateful to other States which had responded positively to its pleas for stricter control.

However, while those trends of abatement of the spread of those stimulants had been observed, a new pattern of drug abuse was now beginning to be discerned in Sweden, and that was the abuse of opium. Raw opium was appearing in the illicit market more and more frequently, and it was estimated that there were now several hundred opium abusers in the Greater Stockholm area. Evidently, mainly young people were involved. Not infrequently the abusers prepared solutions from the raw opium and injected themselves with it. He himself had personal knowledge of young people who had begun their history of drug abuse in that manner. The fear was that, once an addict had begun with opiates, heroin abuse might not be far away. Luckily, Sweden had not yet become plagued with heroin, but feared that it was knocking on the door.

In comparison with other types of abuse, opium abuse in Sweden was as yet only a minor problem and it would be an exaggeration to state that it constituted a major public health threat at present, but Sweden had learnt that what was only a few cases today might well be an epidemic of abuse tomorrow, as it was in some other countries.

Sweden therefore wished to assure the Commission that if its interest in the control of central nervous system stimulants had been and still was very keen, it was now going to be as keen with respect to opiates.

Therefore it had noted with great satisfaction, and welcomed, the initiative of the United States of America in trying to strengthen the control of opiates by amending the 1961 Single Convention on Narcotic Drugs so that its aims could be more effectively carried out in practice, and it had studied the United States proposals with much interest and care.

In that context, he wished to remind the Commission that, in addition to having ratified the Single Convention, Sweden had also ratified the 1953 Protocol, the provisions of which bore several similarities to the amendments now proposed by the United States. Thus, the idea of strengthening the Single Convention was by no means foreign to Sweden, which saw clearly the need for such action and was willing to support the idea of a revision.

It had been found in Sweden, however, that meaningful action against drug abuse must be directed against both supply and demand, as had been pointed out by the representative of the Secretary-General during the Commission's second special session, speaking on the subject of the United Nations Fund for Drug Abuse Control. In other words, there must be a balance between control measures, legislation, law enforcement etc. on the one hand and therapeutic and rehabilitative activity on the other.

His delegation wished to submit that in revising the Single Convention both those aspects had to be taken into consideration. In that Convention, there were weaknesses in both areas, and if one area should be amended so should the other; so, while Sweden looked very positively at the efforts of the United States and was willing to support the general principles of the United States suggestions (on some points it might have somewhat diverging views, as for example on the question of which authority should finally decide on an embargo, but there was no need to go into further details at that early stage), it would like to see a balanced approach to the problem. To that end, Sweden had submitted some additional amendments to the Single Convention which had to do with provisions for treatment and rehabilitation. Those amendments (E/CN.7/540) pertained to articles 36 and 38, and Sweden's hope was that representatives would study them in the general context of a revision of the Single Convention. At a later point, his delegation intended to introduce them formally.

As would be seen, Sweden's amendment proposals corresponded almost verbatim to the relevant articles of the 1971 Convention on Psychotropic Substances, whose provisions for treatment and rehabilitation it felt were more in line with modern views on drug abuse than those of the Single Convention.

Mr. BARONA LOBATO (Mexico) said that, in view of the importance of the statements made by the representatives of the United States and Sweden, which gave the reasons in support of the amendments proposed by those two delegations, it would be useful to all other delegations if those statements could be recorded *in extenso*.

Mr. VAILLE (France) pointed out that the discussion of the agenda item under consideration would be covered by summary records of the conventional kind instead of by minutes. That procedure would ensure adequate coverage of the arguments put forward by all speakers in the general debate, including the representatives of the United States and Sweden.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said that due note had been taken of the wishes expressed and that an announcement on the subject would be made at a later meeting, if appropriate.

Mr. CASTRO Y CASTRO (Mexico) said that his delegation had carefully considered the amendments to the 1961 Single Convention submitted by the United States Government in accordance with article 47 of that Convention (E/4971 and Add.1) but was unable to

accept them because of legal difficulties, connected with both constitutional law and criminal law.

For example, article 14, paragraph 3, of the Mexican Constitution prohibited the imposition of penalties on grounds of analogy. Article 7 of the Mexican Penal Code further provided that all penalties had to be specified by law and could be applied only in respect of acts or omissions defined by law.

In criminal law, there were certain basic principles for the protection of individual rights, which had a very long history. Those principles were incorporated in the criminal law of almost every country and protected the individual at both the judicial and the executive levels. The principles were, first, that all offences had to be specified by law (*nullum crimen sine lege*); secondly, that no penalty other than the specified by law could be imposed (*nulla poena sine lege*); thirdly, that no penalty could be applied in the absence of an offence (*nulla poena sine crimine*); fourthly, that no person could be tried otherwise than by a judge empowered by law (*nemo iudex sine lege*), and fifthly, that no penalty could be imposed otherwise than by trial (*nulla poena sine iudicio*).

The United States amendments also involved difficulties at the international level. As was well known, Mexico co-operated fully in the various multilateral arrangements for controlling the abuse of drugs. It also co-ordinated its enforcement measures on a bilateral basis with those taken by the competent authorities in the United States.

The proposed United States amendments, however, raised such legal difficulties that they would inevitably fail to be either approved by the Mexican Senate or ratified by the country's Executive. Mexico had always upheld the principles of the sovereign equality and independence of States and of non-intervention and mutual respect. It could therefore not support proposals which, directly or indirectly, ran counter to any of those principles. For the time being, his country regarded the provisions of the 1961 Single Convention as satisfactory for the purposes of international narcotics control and felt strongly that the better might be the enemy of the good.

His delegation would give careful consideration to the amendments proposed by Sweden which, at first sight, appeared to represent improvements on the present texts of articles 36 and 38 of the Single Convention. From the procedural point of view, however, those proposals seemed to disregard the provisions of article 47 of the Convention, which required the text of every amendment and the reasons for it to "be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council". There were many parties to the Single Convention which were not represented in the Commission. At the same time, it should be remembered that, under article 8 of the Single Convention, the Commission was "authorized to consider all matters pertaining to the aims of this Convention".

Article 47 of the Single Convention made provision for two alternative procedures, the first being set forth

in paragraphs 1 (b) and 2, and the second in paragraph 1 (a). The Economic and Social Council, by its resolution 1577 (L), had decided to adopt the procedure laid down in paragraph 1 (a). If Mexico had been represented at the discussion in the Council, it would have proposed the adoption of the procedure set forth in paragraphs 1 (b) and 2. Because of the financial and other implications, his country was not in favour of holding international conferences of the type proposed.

Mr. STEWART (United Kingdom) said that the Mexican delegation had done well to remind the Commission that the better might be the enemy of the good and also to draw its attention to the provisions of article 47 of the Single Convention.

The 1961 Single Convention had not had an easy birth. Its adoption had been preceded by many weeks of discussions that had revealed many controversies and led to many compromises. The Convention had taken several years to come into force and had only been in operation since 1964. Seven years of application represented only a short period, measured against the half century of experience gathered between the first international narcotics control convention of 1912 and 1961.

Of course, the pace of life was now accelerating and much had happened since 1964; the drug problem had taken on new dimensions and new complexities. All members of the Commission were aware of the problem of central nervous system stimulants and hallucinogens and the international arrangements to solve those new problems. Those efforts had culminated in the 1971 Convention on Psychotropic Substances, which had been signed by 25 States.

Seventy-nine States, however, had ratified the Single Convention and the universality of its appeal and the effectiveness of its provisions had been demonstrated at the Vienna Conference of 1971, when those provisions had been time and again invoked by delegations as the basis for the formulation of the Convention on Psychotropic Substances.

The new anxieties with regard to drug problems had led both States and the Commission to believe that the time had come to review the Single Convention and its place in the international fight against drug abuse. The Commission was the obvious forum for such a discussion of the role of the Single Convention, but that fact did not necessarily mean that the Commission would have to propose amendments. The occasion was one for a review of the effects of the Single Convention and for an examination of the broad strategy of drug control, rather than of possible minor improvements to the text of that Convention.

The review should be expert, informed, topical and above all pragmatic. Every effort should be made to avoid the introduction of any element that might divide the 79 States which were parties of the Single Convention. In that connexion, he had been glad to hear the statement by the United States representative that the efforts to strengthen the Single Convention had stimulated accessions to that instrument.

His delegation was grateful to the United States for submitting its suggestions in the form of amendments, but clearly any decision with regard to such amendments must be a matter for the future conference. The Commission could not replace the conference in that particular duty.

As far as the Swedish amendments were concerned, he understood that it was the Swedish Government's intention to submit them in accordance with the procedure laid down in article 47 of the Single Convention. On that understanding, those amendments could properly be considered by the Commission. The Commission should not feel obliged to examine amendments submitted without adequate notice or authority. Any amendment proposed to the Single Convention ought to be formally submitted under article 47 of that Convention or at least the Commission should have the assurance of the delegation concerned that it would be so submitted.

It would in any case be undesirable for the Commission to attempt to vote on the proposed amendments or to adopt any alterations to their text. Under operative paragraph 3 of its resolution 1577 (L), the Economic and Social Council had requested the Commission "to study at its twenty-fourth session proposals for amendments to the Single Convention... with a view to submitting comments as appropriate to the Conference". That seemed to preclude any vote on the proposed amendments or any attempt to try to improve their wording.

The most appropriate way in which the Commission could express its comments on the proposed amendments to the future conference would be to include a suitable passage in the report on its current session. Another possibility would be to adopt a draft resolution embodying those comments. In any case, the minutes of the discussion would be available.

In conclusion, he stressed the strong desire of the United Kingdom Government to make a constructive contribution to international co-operation in drug control and its great sympathy for any nation faced with serious drug problems.

Mr. VAILLE (France) recalled that the 1961 Single Convention, which was intended to replace the nine previous multilateral international treaties on narcotics control, had been adopted, by a Conference of 73 States that had based its work on a draft representing ten years of efforts by the Commission on Narcotic Drugs. Some of the ideas embodied in the Single Convention therefore went back 20 years.

The Single Convention could safely be asserted to have been a success, as demonstrated by the establishment of the International Narcotics Control Board to replace the two pre-existing bodies. The three reports⁸ and the many other documents containing estimates and statistics which had been published by the Board showed that the Board had fully mastered the important tasks entrusted to it under the Single Convention.

Seventy-nine States were now parties to the Convention. There remained however, 17 States that were parties to the 1953 Protocol without being parties to the Single Convention. Ninety-six States were therefore bound, in respect of opium derivatives, either by the provisions of the 1961 Single Convention or by the stricter provisions of the 1953 Protocol. Seventeen of those States had acted courageously by accepting the measures of the 1953 Protocol, when they could at any time avoid those measures by acceding to the Single Convention.

A new step forward had been made with the decision taken by the Economic and Social Council in its resolution 1577 (L) to convene a conference of plenipotentiaries to study all proposals for amendments to the Single Convention. In that connexion, he wished to stress that it was not stated anywhere that the amendments in question had to be examined in accordance with the procedure laid down in article 47 of the Single Convention.

The amendments proposed by the United States were intended to strengthen narcotics control and some of them were based on the provisions of the 1953 Protocol. The French delegation's attitude towards those amendments would be governed by the following two considerations. In the first place, France remained bound by the 1953 Protocol in its relations with the 17 States that were parties to that Protocol but not to the Single Convention; it could not repudiate the attitude which it had taken at the time of acceding to that Protocol, an attitude which had been generous, because it had then not been suffering from any drug addiction problem. In the second place, while some of the proposed amendments could admittedly help to curb the illicit traffic, it should be considered whether it would not be more realistic—at least in respect of some of those amendments—first to exhaust all the possibilities offered by the existing treaties.

The amendments proposed by Sweden took into account the experience gained since 1961, as reflected in the improved control system instituted by the 1971 Convention for the new category of psychotropic substances.

He agreed with the United Kingdom representative that the Commission was not called upon to vote on the actual amendments, but he believed that it was fully entitled to vote on the comments on those amendments which it would transmit to the future conference. Such votes would enlighten the conference on the trends of the Commission's discussions.

Dr. MÅRTENS (Sweden), replying to the United Kingdom representative, said that the amendments proposed by his Government had not been drawn up on the spur of the moment but had been carefully considered over a long period. In spite of the late date of their submission, he hoped that the Commission would be able to discuss them.

Mr. NIKOLIĆ (Yugoslavia) said that article 47 of the 1961 Single Convention on Narcotic Drugs provided that any party could propose an amendment to that

⁸ United Nations publications, Sales Nos. E.69.XI.4 (E/INCB/1), E.70.XI.2 (E/INCB/5) and E.71.XI.2 (E/INCB/9).

Convention. After the amendment had been communicated to the Council, the latter could decide either: "(a) That a conference shall be called in accordance with Article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or (b) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal". He agreed fully with the Mexican representative that it would be desirable to choose the second possibility, in the interests of economy; however, the Council, in paragraph 2 (a) of its resolution 1577 (L), had requested the Secretary-General to convene a conference as early as feasible in 1972. In view of that request, the Commission would seem to have no alternative.

With respect to the statement made by the United States representative, he believed that there were two aspects to the problem: first, that of the licit production of narcotic drugs and secondly, that of the licit traffic in such drugs. The first aspect seemed to be adequately covered by the existing conventions, since the Board had stated in paragraph 25 of its report for 1970 (E/INCB/9) that it was again able to record that, in practical terms, control over the manufacture and distribution of the substances listed in the 1961 Convention is such that leakage from licit manufacture and trade into illicit channels during the year has been minimal". With regard to the second aspect, however, paragraph 24 of the same report stated that "the efficacy of the international control system rests, firstly, on the application of internal controls within individual countries and, secondly, on compliance by Governments with all their treaty obligations in respect of international trade in narcotic substances".

The 1961 Convention, therefore, would seem to be functioning very satisfactorily as far as the licit aspect of the problem was concerned, while the illicit aspect would seem to depend on the effectiveness of national controls. That was a matter which could never be directly influenced by the Convention, regardless of what amendments might be made to it.

He agreed with the United Kingdom representative that it would be undesirable to put any proposed amendments to a vote, since measures which were imposed by a majority vote would never be universally applied.

There seemed to have been some inconsistency in the positions taken by delegations at different times. For example, those which had pronounced themselves in favour of establishing committees of local enquiry at the time of the adoption of the 1953 Protocol had voted against that proposal at the time of the adoption of the 1961 Convention. The United States representative had stated that amendments were necessitated by changes in the international situation since the entry into force of the 1961 Convention, but if so, it was not clear why he had not proposed such amendments at the Vienna Conference of 1971. In his delegation's view, the establishment of committees of inquiry, as proposed in the United States amendment to article 14, paragraph 2, would tend to make the

Board a supranational authority. Moreover, he feared that the imposition of a mandatory embargo by the Board, as provided for in the proposed new paragraph 3 of the same article, would merely have the effect of undermining its present moral authority. Even if those amendments could be accepted, he doubted whether they would be of any real assistance in suppressing the illicit traffic.

Mr. CHAPMAN (Canada) said that, as he had already indicated on previous occasions, his country was confronted with a serious situation as the result of the non-medical use of drugs. During the past few years, there had been a significant increase in the volume and variety of drugs on the illicit market and a considerable number of Canadians, particularly young people, had not only become involved with the law enforcement agencies, but in many cases had seriously endangered their health.

Recognizing that that increase went hand in hand with a general deterioration in the situation with regard to drug abuse throughout the world, his delegation was prepared to support any reasonable action which would prevent the diversion of narcotic drugs to the illicit market. The drafting and adoption of the 1961 Convention had been a tremendous step forward in the control of narcotic drugs and the authors of that instrument could take great pride in their achievement. Nevertheless, it must be recognized that the Convention essentially provided for a series of voluntary constraints on the countries which had acceded to it and that its value was dependent on the integrity and goodwill of those countries. His delegation believed, therefore, that it was time for the Commission to review the Convention in the light of its experience during the past decade in order to determine whether there were ways in which it could be improved.

Lastly, while recognizing that there were certain hazards not only in the misuse of narcotic drugs but also in amending the convention on them, his delegation was prepared to give careful consideration to the proposals put forward by the United States and Sweden.

Mr. ABDEL RAZEK (Egypt) said that his country, as a non-producer of opium or of any other drug, although itself a target for the illicit traffic, had always supported any endeavour to strengthen international efforts to combat the abuse of drugs. At the same time, however, his delegation thought that the nobility of that aim should not be allowed to conceal the complexity of the constitutional, technical and practical considerations involved. The Commission should proceed carefully, lest in its enthusiasm it might overlook the basic principle governing the work of international bodies and defining their authority in relation to that of sovereign States. He agreed, therefore, that, unless the proposed amendments were accepted by the largest possible number of States, they would remain a dead letter.

It was with that in mind, therefore, that his Government had carefully studied the amendments proposed by the United States and transmitted its comments

to the United States Government. It was prepared to submit those comments in detail at the appropriate time.

Dr. EDMONDSON (Observer for Australia), speaking at the invitation of the Chairman, recalled that his country had been among the eight which had expressed the view that it would be better to strengthen the 1961 Convention rather than to amend the 1936 Convention, which it considered outmoded. In view of the changes which had occurred during the past decade, therefore, it supported the principle of achieving a proper balance between the law enforcement and therapeutic aspects of narcotics control, as set forth in the Swedish amendments. Those amendments would require careful study, and he agreed that that work could best be done by a plenipotentiary conference. He realized that the adoption of those amendments would place an additional burden on the Board, and it was to be hoped, first, that the latter could be provided with the necessary meaningful information, and secondly, that it would be given the necessary strength to succeed in its task.

Mr. GAVAZZONI SILVA (Brazil) said that his delegation was prepared to adopt some of the amendments proposed by the United States delegation, subject to the same reservations as those made by the Mexican representative with respect to the sovereignty of States. Certain articles and paragraphs of the 1961 Convention should obviously be brought up to date, but while the Commission could express its own views at the present session, only the plenipotentiary conference itself would be able to take any final decision on the actual amendments and sub-amendments.

Mr. WIELAND (Peru) said that his delegation wished to reaffirm its support for the proposal to convene a plenipotentiary conference to amend the Single Convention. The proposed amendments were primarily aimed at granting the Board the necessary authority to act actively and effectively against the illicit traffic. Since that purpose was inspired by the function of the United Nations to protect the health and well-being of mankind, his delegation was prepared to co-operate fully, provided that the amendments adopted did not infringe the authority of States. After all, the main responsibility lay with countries themselves, some of which, like his own, had special difficulties in combating the illicit traffic because of their extended frontiers.

Dr. BROTT (Observer for Israel), speaking at the invitation of the Chairman, said that, since the number of drug addicts in his own country had begun to increase during the last few years, his delegation was prepared to support every step to strengthen the fight against the illicit traffic—a fight in which all countries of the world would have to co-operate. He welcomed the initiative taken by the United States and Swedish delegations in submitting their proposed amendments and would give them careful consideration. Lastly, he said that the 1971 Convention on Psychotropic Substances was already being discussed by the relevant commissions of the Knesset and he hoped that his Government would soon be able to sign it.

Dr. LANNER (Federal Republic of Germany) said that his Government's ratification of the 1961 Convention had been delayed because its legal advisers had originally found that article 3, paragraph 7, constituted an excessive infringement of the principle of the sovereignty of States. However, since nearly 80 other States had ratified the Convention, his Government had not persisted in that attitude and had drawn up a ratification law. That law was now before the various departments for their comments and he hoped that it could be submitted to Parliament by the end of the present year and adopted early in 1972.

His Government was in essential agreement with the amendments proposed by the United States delegation, although the question of a mandatory embargo caused it some difficulty. As a member of the European Economic Community, the Federal Republic had to comply with the provisions of the Treaty of Rome and must not erect any barriers to the free market which might prejudice other member States. His Government had already initiated consultations to determine whether any embargo in the sense of the United States amendment would constitute such a barrier.

Dr. SHIMOMURA (Japan) said that, since ten years had elapsed since the adoption of the 1961 Convention, the time had obviously come to review its effectiveness in the light of the present needs of narcotics control. However, while appreciating the intention behind the United States proposals, he felt compelled to draw attention to the fact that his country was now experiencing considerable difficulty in obtaining the necessary amount of opium for medical and scientific purposes. He hoped that the Commission would not fail to give full consideration to that aspect in its discussion.

The meeting rose at 12.15 p.m.

[E/CN.7/SR.695]

SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FIFTH MEETING

held on Friday, 1 October 1971, at 2.35 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1, E/CN.7/540)

Mr. CHAWLA (India) said that the United States representative's statement (694th meeting) had explained the reasons which had prompted his country to propose amendments (E/4971 and Add.1); the debate had shown that any amendment of the 1961 Single Convention on Narcotic Drugs should be approached with great care and should be fully thought out.

The Indian Government's policy with regard to opium had always reflected its keen anxiety fully to

apply the international decisions concerning narcotics control. India had ratified all the international treaties on the subject and had always participated actively in the campaign against drug abuse and the illicit traffic. The sole purpose of the production and processing of opium and its derivatives in India was to satisfy the medical and scientific requirements of the international community. The reports of the International Narcotics Control Board¹ showed that Indian opium production had varied from year to year with the legitimate needs of manufacturers of alkaloids for the world market. Opium cultivation had covered 40,000 hectares in 1960, but only about 12,000 hectares in 1965, demand having for various reasons declined. Subsequently, between 1966 and 1970 the area cultivated had risen again to 40,000 hectares as a result of an increase in demand; as this increase was linked to the increase in the demand for codeine, it was estimated that the area under cultivation would be about 50,000 hectares in 1971. Those fluctuations entailed a considerable financial burden, which India had assumed in order to comply scrupulously with the spirit of the Single Convention.

The Indian Government had long experience of licit opium production; at the beginning of the century, the opium poppy had been cultivated in large quantities, but production was now limited to certain well-defined areas well away from the frontiers. Licences for opium poppy cultivation were granted only with the greatest caution and harvesting was supervised.

All the opium produced became a government monopoly, and the prices paid to growers were fixed in accordance with a sliding scale, so that the price per kilogramme was proportional to output per hectare. Bonuses were paid to growers of the best yields to encourage competition.

Every possible step had been taken to prevent illicit trafficking, and the national bodies responsible for prevention worked in close co-operation. India co-operated with other countries parties to the 1961 Convention and with ICPO/INTERPOL, and all the information requested by the Board or the Division of Narcotic Drugs was immediately supplied to them without the slightest reservation.

Inadequate supervision was certainly the reason why in some countries a proportion of opium was marketed through illicit channels; moreover, in some regions the production of opium was wholly uncontrolled. The supervision exercised by the national services of those countries was at fault, since opium if licitly produced and strictly controlled, as it was in India, raised no problem. The experts of the Board estimated that illicit or unsupervised production was at present equal to licit production. The Board might perhaps explain whether illicit activity was flourishing on this scale as a result of some fault in the Single Convention. If such was not the case, the remedy could hardly be looked for in an amendment to the Convention. The Indian delegation would later state its position in detail

with regard to the various proposed amendments, but it was ready to support any strengthening of control measures which could be justified. It would mention, however, that the 1971 Convention on Psychotropic Substances had raised similar problems, and when it had been adopted some of the delegations which now wanted to make the 1961 Convention stricter had been opposed to the idea of including too rigorous provisions. His delegation could not understand how the dangers entailed in the use of narcotic drugs differed from those resulting from the use of psychotropic substances. It would be recalled that the 1953 Protocol gave the Board power to conduct local inquiries and to declare embargoes. Those provisions could be found, but in a weaker form, in the draft of the 1961 Single Convention, but at the plenipotentiary Conference to consider the draft many countries had opposed those provisions, regarding them as encroaching on national sovereignty, and the provisions in question had not, therefore, been included in the final text of the Single Convention. Furthermore, there was no provision of that kind in the 1971 Convention on Psychotropic Substances.

The Indian delegation would also like to say that, in its opinion, limiting the quantity of opium produced to an estimated figure would raise insurmountable technical difficulties; the amount harvested depended on climatic conditions, the rainfall and the like. It seemed impossible, therefore, to forecast the volume of production in any given year. The text of the preamble to the 1961 Convention read "... the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and ... adequate provision must be made to ensure the availability of narcotic drugs for such purposes". In its policy with regard to opium, the Indian Government looked to no other objective.

Dr. AZARAKHCH (Iran) said that his country had always been convinced that the international community should have the necessary powers to control problems arising from illicit trafficking in dangerous drugs. It was obvious that the national efforts made by individual countries were not enough to restrain illicit trafficking and drug addiction. The case of Iran was a good illustration of that inadequacy. After thirteen years of total prohibition of opium poppy cultivation, Iran had had to adopt a different policy as a result of the inefficacy of the measures prescribed in the international treaties. There was no doubt that the Permanent Central Opium Board and its successor the International Narcotics Control Board had fulfilled their task in a most satisfactory manner and with the greatest discretion, but the system of control was itself inadequate.

Drug addiction could now be regarded as a pandemic and the number of persons involved increased every day; no country could claim to be safe from the scourge. Measures international in scope were needed to supplement national measures.

Iran had the greatest confidence in the operation of the Board and hoped that the 1961 Single Convention

¹ United Nations publications, Sales Nos. E.69.XI.4 (E/INCB/1), E.70.XI.2 (E/INCB/5) and E.71.XI.2 (E/INCB/9).

would be amended to increase its powers and responsibilities.

Mr. SAGOE (Ghana) said that the proposed amendments were primarily concerned with opium. Neither the production of nor illicit trafficking in opium directly affected Ghana, but in view of the considerable increase in the quantity of morphine and heroin manufactured in the world, his delegation would support any proposal to amend the 1961 Convention to promote a more effective control of all dangerous drugs. The Ghanaian delegation would express its opinion on important matters such as State sovereignty and individual freedom when the amendments were considered in detail.

Mr. KEMÉNY (Switzerland) said that many interesting points had already been raised in the course of the debate; his delegation would revert to the amendments when the Commission came to consider them in detail, but for the moment he would like to observe they might entail certain constitutional difficulties for his country.

Dr. BÖLCS (Hungary) said that his country was ready to participate in any international action to subject narcotic drugs to more effective control. Hungary had been one of the first countries to ratify the 1961 Single Convention. The Hungarian Government would support any proposal likely to make the prevention of drug abuse and the fight against illicit trafficking more efficient. It was from that twofold point of view that any amendment to the Single Convention should be examined.

It should be emphasized that the application of some provisions in the amendments under consideration might occasion serious difficulties. The effective application of an embargo, for instance, or the use of unofficial information by the Board would raise grave practical problems. The Hungarian delegation also wondered how far the provisions in the amendments proposed by the United States would affect the control of opium alkaloids, other opiates, cocaine and synthetic narcotic drugs such as methadone and pethidine. Lastly, the Commission should always bear in mind that it was absolutely vital to ensure a sufficient production of narcotic drug to meet the medical requirements of the entire world.

Mr. EL HADEKA (Observer for the Pan-Arab Anti-Narcotics Bureau), speaking at the invitation of the Chairman, said that the 1961 Single Convention should be flexible enough to meet all needs; the international community was currently faced with a scourge which menaced all levels of society, and no country could claim to be safe from an epidemic which might be all the more sweeping since transport facilities had recently undergone considerable expansion.

World scientific and medical requirements currently amounted to 800 tons of opium a year; illicit production was estimated at 1,200 tons. It was not merely the duty, but the obligation, of the international community to review its control machinery, evaluate what had been done and fill in the gaps. The 1961 Convention, whatever its merits and whatever the efforts

deployed to implement it, was neither beyond all criticism nor immutable. Article 47, providing for its amendment as necessary, gave the flexibility required. He could not accept the contention that the 1961 Convention should be supposed to be of too recent date to be amended already, when the rate of change in the world was constantly accelerating. Any amendment proposed by any country whatever therefore deserved to be thoroughly considered and supported if its effect would be to strengthen the powers of the International Narcotics Control Board and ensure a more comprehensive application of the 1961 Single Convention.

Mr. ORANJE (Observer for the Netherlands), speaking at the invitation of the Chairman, said that all countries were agreed on one point at least: that drug abuse was a scourge which must be fought and that for several years the problem had been becoming increasingly acute in all countries. Narcotics policies must meet two requirements: they must fulfil public health needs and reduce illicit traffic to a minimum. The Netherlands did not believe that the problem could be reduced to the limitation of opium cultivation and the repression of the illicit traffic; it was equally a problem of social development, and equal importance should be attached at the plenipotentiary conference to each of the aspects of the problem.

Sir Harry GREENFIELD (President of the International Narcotics Control Board) said that Board had endorsed the spirit in which the proposed amendments had been drafted, but it would not make any judgment on them, because the matter concerned only Governments and it was for them to decide what powers they wished to confer on a central control body. In the same way, the Permanent Central Opium Board had not joined in the discussions in 1961 when Governments had been deciding the future terms of reference of its successor. Whatever the role allotted to it, the International Narcotics Control Board would assume its responsibilities scrupulously, as it had always done.

The Board's principal aim was to achieve practical results. It discussed with Governments frankly and without reservations questions which arose at various levels and in all sorts of ways, in order to ensure that corrective steps were taken; when it obtained satisfaction, such negotiations were not always mentioned in its report.

The Board's annual reports showed that it always made good use of the powers entrusted to it, while maintaining with Governments the relations needed for the proper implementation of the treaties and showing its full appreciation of each country's economic and social situation. The Board was aware of the limits within which it now worked, particularly with the regard to the illicit and uncontrolled production of the raw materials used in the manufacture of narcotic drugs. If Governments decide to expand those limits, they could be sure that the Board would act with the same discretion as it had in the past.

The Board would consider the amendments to the 1961 Single Convention at its November session, and

would be prepared to take part in the plenipotentiary conference.

Mr KIRCA (Turkey) said that his country had signed all the treaties relating to narcotic drugs and would not go back on its commitments. Turkey would therefore approve in principle all amendments which were in conformity with the provisions of the treaties concluded before the 1961 Convention.

Since those instruments had been adopted, a new fact of the greatest importance had emerged. The abuse of psychotropic substances had spread very fast. That was why the Turkish Government had, since the session of the Economic and Social Council in the summer of 1970, maintained that all treaties relating to psychotropic substances should in principle contain provisions similar to those contained in the instruments relating to narcotic drugs. Turkey would hold by that principle, particularly during the consideration of the proposed amendments by the plenipotentiary conference, in which it intended to take an active part.

The CHAIRMAN, speaking as the representative of Togo, said that no country could selfishly consider that the drug problem did not concern it, since all countries were exposed to contamination through ports and airports and the dissemination of information by the radio, the press, tourism and scholarship-holders studying abroad. Every country, therefore, had a duty to co-operate in international efforts to combat drug addiction, if only to take precautions against it. For its part, Togo was in favour of strengthening the control measures. To those opponents of the amendments submitted by the United States and Sweden who argued that the existing instruments were adequate, that it was for each country to do what was necessary and that the measures proposed, particularly the embargo, had no chance of ever being applied, he would reply that an instrument could always be improved and be better used and that what had seemed impossible yesterday was often no longer impossible today. Everything possible must be done to erect a barrier, even if it was merely a moral barrier, against the evils of drugs.

Mr. THOMPSON (Jamaica) said that the 1961 Convention should certainly be improved, but the relevant amendments should be submitted in their present form to the plenipotentiary conference which was to meet for that purpose. It would be premature for the Commission to redraft them and take a decision on them. The Commission would be better able to judge the amendments submitted by the United States if it knew to what extent the provision of the 1961 Convention relating to extradition (article 36, para. 2 (b)) had been implemented, whether the Board had been led to recommend an embargo on certain countries and how that recommendation had been followed up.

He was not sure that the Commission was the appropriate body to discuss the amendments proposed by Sweden (E/CN.7/540), but he wished to stress that with respect to rehabilitation a clear distinction should be drawn between drug-pedlars and their victims.

Mr. VAILLE (France) referring to the difficulty of limiting opium production to estimated amounts, men-

tioned by the Indian representative, asked the representative of the International Narcotics Control Board to confirm that the machinery laid down by the 1961 Convention, the purpose of which was to limit opium production to medical and scientific needs, consisted, firstly, in establishing stocks whose size varied in relation to crops which the Board supervised in order to prevent any illicit traffic, and, secondly, in submitting supplementary estimates.

The representative of Hungary had raised the question whether the United States amendments were also applicable to opium alkaloids, cocaine and synthetic substances. In his view, the basic point of interest in those amendments was that they placed producers and manufacturers on an equal footing. It would be regrettable if that measure gave rise to hesitation on the part of countries which had nevertheless ratified the 1953 Protocol and the 1961 Convention, because the measure would in no way violate the major principles of the European Economic Community on trade and freedom of movement. Prevention of narcotic drug addiction should not be slowed down in any circumstances, because the problem was today evident in all the countries of the Community.

Mr. DITTERT (International Narcotics Control Board) explained that the system envisaged in the proposed amendments to the 1961 Convention would make it possible for producing countries to send supplementary estimates giving the reasons if production exceeded the first estimates, mainly as the result of a good crop. In addition, where there was surplus production, the Board should be allowed some latitude and should only have to request producers to reduce their subsequent production if their stocks had become excessive. In brief, the amendments proposed by the United States amounted to the application to opium of the provisions governing the surplus production of narcotic drugs.

Mr. NIKOLIĆ (Yugoslavia) said that it was impossible to apply the same system to manufacturers, who could alter the amount of their production at will, and to producers, whose production was subject to factors over which they had no control. Even if he reduced the area under cultivation, no grower could forecast his crop yield from one year to the next.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said that, in taking a decision on the amendments, the Commission should bear in mind that if manufacturers were compelled to draw up supplementary estimates to meet licit needs, they must have the raw materials. If production, therefore, had been reduced, stocks must be sufficient to cover the situation.

Mr. VAILLE (France) observed that the main purpose of the 1961 Convention was to combat the illicit traffic without imposing unjustified restrictions on the licit market. The licit world production of opium had now become inadequate, because codeine was used as an antitussive. That aspect of the problem should not be neglected. It was quite clear that references to surplus stocks related only to badly supervised and

badly utilized stocks and that, by definition, an estimate could only be approximate. The 1961 Convention had therefore provided for control of the areas under cultivation—which was easier to apply than control of production proper—rather than the transfer of surplus production to stock, the Board being able to request the reduction of areas under cultivation if stocks reached disquieting proportions, and for the preparation of supplementary estimates, whose main value was commercial because they related to the volume of imports and exports; that was very effective machinery, because the operation of the statistics made it possible to supervise both the importer and the exporter, even if only one of them submitted reports.

The CHAIRMAN said that the Economic and Social Council, in its resolution 1577 (L), had expressly requested the Commission to comment on any proposals for amendments to the 1961 Single Convention submitted to it. The Commission now had before it amendments submitted by the United States and Sweden. He invited the members of the Commission to prepare for the debate, which would be resumed on 11 October 1971, by requesting instructions from their Governments if they considered it necessary.

Mr. NIKOLIĆ (Yugoslavia) said that his delegation was prepared to state its views on the amendments submitted by the United States, which had been transmitted to members of the Commission before the session, but feared that it would be unable to do so with respect to the Swedish amendments, or any others which might still be submitted, in the absence of instructions from its Government, which would be difficult to obtain quickly, since a number of ministerial departments were concerned.

Mr. McCARTHY (Canada) asked the Legal Adviser if the machinery provided in the Convention would enable the plenipotentiary conference to review the amendments which might be submitted by the parties between now and March 1972.

He assumed that the comments which the Commission was called upon to make would not concern the text of the proposed amendments.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said that under Economic and Social Council resolution 1577 (L) every delegation was entitled to submit amendments.

The Secretariat had, as an exceptional case, agreed to publish *in extenso* the statements made at the 694th meeting by the representatives of the United States and Sweden, because those countries had submitted amendments, but it would be unable to do so in the case of other statements, in view of the General Assembly's instructions in its resolutions 2292 (XXII) and 2478 (XXIII).

Mr. NIKOLIĆ (Yugoslavia) said he had no objection to the submission of other amendments, but would be unable to express any views on them.

It did not seem to him to be fair to make a distinction between delegations with regard to the publication of statements *in extenso*.

Mr. RATON (Legal Adviser) said that the Legal Division had reviewed the question of the submission of amendments in the light of Economic and Social Council resolution 1577 (L). On the one hand, the Council had already decided to convene a plenipotentiary conference to consider all amendments submitted to it. It had therefore imposed no limitations nor had it fixed any time-limit for their submission. On the other hand, it had requested the Commission to study the proposals for amendments to the Single Convention, and the Commission should therefore review those submitted to it by two countries, namely Sweden and the United States of America.

With regard to the possible incompatibility between Council resolution 1577 (L) and article 47 of the Single Convention, under the terms of that article "the text of any such amendment and the reasons therefor shall be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council". The Legal Division did not think that amendments had necessarily to be submitted to the Council, since it had itself referred them to the plenipotentiary conference for examination; in so far as parties were concerned, the report of the Commission on Narcotic Drugs would be communicated to them in accordance with the usual practice. That might therefore be sufficient, with a covering letter drawing their attention particularly to the amendments.

Mr. VAILLE (France) said that the Economic and Social Council had requested the Commission to make all necessary preparations for the work of the plenipotentiary conference; moreover, the Commission was master of its own agenda and methods of work. He therefore proposed that amendments should be submitted up to the evening of 6 October 1971. That time-limit would enable the texts to be duly distributed in all the working languages, and would give delegations time to consult their Governments.

Mr. KIRCA (Turkey) said he disagreed with the Legal Adviser's interpretation. Article 47 was categorical; an amendment could not be considered unless it had first been communicated to the Secretary-General. Consequently, the Commission could not review amendments that had not fulfilled that requirement.

The Council had two possibilities open to it under that same article; it could either convene a conference to consider the proposed amendments or it could ask the parties whether they accepted them. The Council had not yet had before it any amendments other than those proposed by the United States, and had decided to convene a conference to consider them, but it was impossible to know what attitude it would take with regard to other possible amendments. The Council could not be denied the right to consider such amendments and to choose, if it saw fit, the alternative of asking the parties for their views. Article 47 did not specify exactly when the draft amendments should be circulated to the parties but, in practice, the Secretary-General was required to transmit them to the parties as soon as possible after he received them. He himself thought

that it was not necessary to wait for the Commission's report before circulating them.

In conclusion, he supported the French representative's suggestion that all delegations should be invited to communicate their amendments to the Secretary-General, but proposed that the time-limit for their submission should be set at 10 October.

Mr. STEWART (United Kingdom) said he did not see how the Commission could be expected to review proposed amendments at any time during its session. All amendments should have been submitted in due form under article 47, with a statement of reasons. He did not wish to insist on any rigidity of attitude, however, and was quite agreeable to the Commission discussing any amendment which was submitted within an agreed time-limit, provided the sponsor gave an oral undertaking that his Government was taking the requisite action under article 47, as had occurred in the case of Sweden. If the Commission disagreed with that point of view, he would press the point that a party must, in accordance with article 47, supply not only the text of its amendment but the reasons therefor, of which the Commission should necessarily be informed.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said, in reply to the Yugoslav representative, that the Secretariat had had no intention of drawing a distinction between members of the Commission in according the privilege of records *in extenso* to the representatives of the United States and Sweden alone. The Division was compelled to follow the General Assembly's instructions on the limitation of documentation; delegations could always ask to have corrections incorporated in the usual summary records.

Dr. MÅRTENS (Sweden) said that he was sorry to have thrown the Commission's deliberations into some confusion by submitting an amendment and would be glad to be informed of the procedure to follow.

Mr. RATON (Legal Adviser) thanked the representatives of Turkey and the United Kingdom for their observations. The Secretary-General was represented at the session by Mr. Kusević, the Director of the Division of Narcotic Drugs, and the amendments by the Swedish representative had therefore been communicated in good and due form. Proposals which might be submitted between the end of the Commission's session and the conference in March 1972 would not cause any difficulty, since they could be communicated to the Division of Narcotic Drugs and published as documents of the conference.

Replying to the objections by the Turkish and United Kingdom representatives, he agreed that there was some incompatibility between article 47 of the 1961 Convention and Economic and Social Council resolution 1577 (L). However, it was not for the Commission to interpret the conflict between the provisions of the two texts. As a functional commission of the Council, the Commission was given its terms of reference by the Council; it was evident from resolution 1577 (L) that it was called upon to consider all proposals to amend the Single Convention and not only those which had been submitted to the Economic and Social Council.

Mr. VAILLE (France) said he agreed with the Turkish representative. All amendments should be communicated to the Secretary-General and to the parties, without the Commission's report being awaited. Moreover, they should be transmitted to the Council at its next session. With respect to the time-limit for the submission of amendments, he would press for the date of 6 October, as that would enable the Secretariat to circulate the proposals for amendment it had received.

Mr. INGERSOLL (United States of America) said that the explanations given by the Legal Adviser had clarified the position. It was clearly apparent from paragraphs 1 and 3 of Council resolution 1577 (L) that the Commission was entitled to consider the amendments referred to in article 47 of the 1961 Convention. The resolution even permitted parties that were not participating in the present session to submit amendments to the conference. Delegations were not compelled to comment on the amendments if they did not wish to do so, and all that was asked of the Commission was to express any views which might be useful to the conference in taking its decisions. In his opinion, the Council did not preclude parties from communicating amendments in the period between the end of the Commission's session and the opening of the conference. It would be illogical to convene another conference afterwards to consider any amendments which might be submitted at a later stage.

He agreed to the date proposed by the French representative for the submission of amendments to the Commission, since it would enable delegations to consider the proposed amendments and to exchange views before the resumption of the discussion on agenda item 10, scheduled for 11 October.

Mr. KIRCA (Turkey) said that the legal rules applicable to international instruments ought to be strictly enforced if unwelcome precedents were not to be created. Paragraph 1 of Council resolution 1577 (L) referred only to amendments proposed, that was to say, those which had already been submitted, not those which would be submitted in the future. Moreover, the text was compatible with sub-paragraphs 1 (a) and (b) of article 47.

As he felt that it was necessary to give satisfaction to the largest possible number of delegations, he was prepared to consider any amendment that had been duly communicated to the Secretary-General within the specified time-limit. Unlike the Legal Adviser, he doubted whether the Director of the Division of Narcotic Drugs was entitled to receive on behalf of the Secretary-General the communication of amendments submitted by delegations.

He supported the French representative's proposal setting 6 October as the time-limit for the submission of amendments to the Commission, but he must observe that the Secretary-General was required to communicate amendments to all the parties to the Convention, not merely to members of the Commission and the observers.

The CHAIRMAN appealed to the members of the Commission not to prolong a purely procedural debate.

Mr. STEWART (United Kingdom) said that the Turkish representative's apprehensions were justified. In his opinion, the sponsors of amendments should undertake to present in writing, on behalf of their Governments, a statement of the reasons therefor.

He too was in favour of the date of 6 October.

Mr. SADEK (Egypt) said that it was advisable to keep strictly to the procedure laid down in article 47 of the Convention, because the Economic and Social Council was not empowered to change its provisions.

Dr. MÅRTENS (Sweden) observed that, the legal aspect apart, the Commission was free to take any decisions it considered to be useful on the substance of the amendments submitted by Sweden. If any doubts remained about that, his delegation was willing to follow any procedure decided upon by the Commission.

In paragraph 3 of Council resolution 1577 (L), the reference was not to "amendments proposed" but to "proposals", which was a clear indication that they were not merely amendments that had been submitted earlier. The distinction was even clearer in the French text.

Mr. INGERSOLL (United States of America) said that he agreed with the Swedish representative's comments on the text of the Economic and Social Council resolution. He hoped that the Legal Adviser would clear up the point.

Mr. RATON (Legal Adviser), replying to the objections by the Turkish representative, said that as the Secretary-General could not be everywhere at once, he was obliged to delegate his functions to a member of his Secretariat; that senior official in the present case was the Director of the Division of Narcotic Drugs, who was competent to deal with all matters of general concern to his Division.

Moreover, it should not be forgotten that it was for the conference in March 1972 to take a decision on the proposed amendments. The sovereignty of States was not therefore threatened in any way.

With respect to the difficulties pointed out by the representatives of Sweden and the United States, he thought that paragraphs 1 and 3 of Council resolution 1577 (L) concerned two different time levels; the proposals submitted now would thus already belong to the past when they were submitted to the conference. Hence, it was reasonable enough to speak of "amendments proposed" in paragraph 1. The slightly different shades of meaning in the English and French texts were inevitable.

Mr. VAILLE (France), speaking on a point of order, requested the adjournment of the debate under rule 48 of the rules of procedure.

Mr. BARONA LOBATO (Mexico) said that the question was important and its legal aspects should be thoroughly examined.

Mr. NIKOLIĆ (Yugoslavia) said he agreed with that.

Mr. VAILLE (France), supported by Mr. INGERSOLL (United States of America), proposed that the time-limit for the submission of amendments should be 6 October 1971.

Mr. KIRCA (Turkey) supported that proposal, provided that it was agreed that the Director of the Division of Narcotic Drugs was entitled to receive, on behalf of the Secretary-General, amendments communicated by Governments.

The French representative's proposal was adopted by 15 votes to none, with 7 abstentions.

Mr. NIKOLIĆ (Yugoslavia) explained that he had abstained from voting, because he considered that delegations could not submit amendments without being informed of the legal procedures applicable in such cases.

Mr. BRATTSTROM (Sweden) said that he understood the vote in favour to mean that the Director of the Division on Narcotic Drugs was fully entitled to represent the Secretary-General in matters relating to the communication of amendments. It followed that countries could communicate amendments to the Division and they would thereafter be examined by the Commission. In the circumstances, he considered that the Swedish amendment had been submitted within the specified time-limit.

Mr. KIRCA (Turkey) observed that all the amendments must be communicated to all the parties to the Convention, even if they were not represented on the Commission.

Mr. SADEK (Egypt) said he had abstained because the requirements laid down in article 47 of the Convention had not been complied with; moreover, the time-limit of 6 October seemed to him to be too close for both the submission of the text of amendments and for preparing the statement of reasons therefor.

Mr. STEWART (United Kingdom) said he had voted in favour of the French representative's proposal on the understanding that amendments and supporting reasons would be submitted in writing.

RESUMPTION OF OPIUM PRODUCTION BY IRAN; REPORT OF THE SECRETARY-GENERAL (agenda item 5) (*continued*) (E/CN.7/R.18)

[*not reproduced*]

The meeting rose at 6.5 p.m.

[E/CN.7/SR.708]

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTH MEETING

held on Wednesday, 13 October 1971, at 9.40 a.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

PLAN PROPOSED BY THE SECRETARY-GENERAL FOR CONCERTED SHORT-TERM AND LONG-TERM ACTION AGAINST DRUG ABUSE (agenda item 9) (*continued*) (E/CN.7/538)

[*not reproduced*]

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued**) (E/4971 and Add.1; E/CN.7/540 and Add.1; E/CN.7/542 and 543; E/CN.7/L.344 and Add.1)

Dr. BABAIAN (Union of Soviet Socialist Republics) said that he had read with interest the records of the 694th and 695th meetings, which he had unfortunately not been able to attend, and had thus acquainted himself with the views expressed by a number of delegations on agenda item 10. He did not propose to go into any detailed examination of the proposed amendments to the 1961 Single Convention on Narcotic Drugs but would deal only with questions of principle.

The Convention had been formulated with two main aims in mind, the first being to meet the changing needs of the struggle against drug abuse, and the second to unify the different regulations laid down by the various instruments concluded before 1961; those disparate regulations had complicated the work of the two predecessor bodies of the International Narcotics Control Board. The provisions of the Single Convention did not slavishly repeat those of earlier conventions. Requirements that were no longer justified had been dropped, redundancies had been eliminated, and unreasonably complicated procedures had been simplified. A remarkable task of consolidation had been achieved and the provisions of the Single Convention included all the measures to combat drug abuse and the illicit traffic that were necessitated by the present situation.

At the 1971 Vienna Conference which had adopted the Convention on Psychotropic Substances, the Indian delegation had rightly described the Single Convention as the Bible of the Conference. Whenever a difficulty arose, it had been generally solved by reaching agreement on the basis of the relevant provision of the Single Convention.

The suggestion was now being made that the Single Convention should be completely overhauled. His delegation was naturally not opposed to progress, but the Single Convention had been in force for only a few years and there was insufficient experience on which to base a review of its provisions. In any event, the main proposals for amendment now being made merely involved the reintroduction of ideas that had been rejected by the Conference which had adopted the Single Convention.

When the Commission had begun its discussion of the problem of psychotropic substances, the suggestion for a new international instrument had been opposed on the grounds that a separate instrument would further complicate the already complex situation created by the existence of a large number of narcotics treaties. The suggestion had then been made that psychotropic substances should be brought within the provisions of the existing Single Convention. The Commission had arrived at the conclusion that the problem should not be dealt with by attempting to amend the Single Convention. It had taken into account the argument, supported by

several delegations, including those of Canada, France, the United Kingdom and the United States, that the process of amending the Single Convention involved a complex procedure and that such an amendment would create difficulties for States which intended to accede to the Single Convention.

Subsequently, both the Commission itself and the Economic and Social Council had adopted resolutions urging States which had not acceded to the Single Convention to do so at an early date. It would now be inconsistent for the Commission to agree to proposals which would radically transform the text of the Convention. He knew of several States which were seriously considering acceding to it and those States would undoubtedly hesitate to do so if the Commission proceeded with plans for its amendment.

He noted that some of the countries which were now urging the revision of the Single Convention had not actually ratified it while others had done so only very recently. Their proposal was not therefore based on any meaningful experience of the operation of the Convention.

The actual amendments proposed placed the emphasis on control of the licit traffic, whereas the major problem was the struggle against the illicit traffic. In that struggle, the best weapons were national measures and no modification of the Single Convention could be of much assistance in that respect. Moreover, the amendments dealt exclusively with the opium problem and the Convention covered a very wide range of substances.

In conclusion, he reiterated that any amendment of the Single Convention would create obstacles to accession to the Convention by States which were not yet parties; it would also further complicate the work of the Board by adding one more international instrument to the dozen already in force. For those reasons, his delegation was opposed in principle to amending the Convention.

Mr. KANDEMIR (Turkey) asked whether the Secretariat would be able to assist the Commission by indicating the provisions of the 1948, 1953 and 1961 treaties that were relevant to each amendment.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said that the Secretariat would endeavour to do so but could not guarantee that the list would be exhaustive. That was not work that could be done in haste; the text of the amendments submitted by the United States had been distributed to Governments several months before.

Mr. CASTRO y CASTRO (Mexico) said that the amendments submitted by the Government of the United States (E/4971 and Add.1) affected principles of international law, although he recognized that they were motivated by humanitarian aims.

He wished to pay a tribute to the able experts serving on the International Narcotics Control Board for their constructive work. He was, however, opposed for reasons of principle to vesting that body with more extensive powers. His delegation could not agree to the replace-

* Resumed from the 695th meeting.

ment of good faith and mutual trust between States by a rigid system of international control which would place Member States in a position of dependence on the Board and make them subject to supervision, investigation, requests for explanations or other measures representing encroachments on their sovereignty.

It would be incompatible with the position Mexico adopted in all international bodies to admit intervention by the Board in matters which were within the domestic jurisdiction of States. Any breach of that principle, based on the gravity of the problem of drug abuse and on the need to safeguard human welfare, would establish a dangerous legal precedent that could have adverse future repercussions on the principles of self-determination and State sovereignty which his country had always upheld.

During the discussions on the draft texts of the 1961 Single Convention, the Mexican representative had stressed that every country should be responsible for control within its borders, that international control procedures should be simplified and that international co-operation should be rendered more effective. In view of the world-wide character of the drug problem, the convention which was to deal with it should be universally accepted. It was highly inappropriate to give the Board excessive executive powers, and political powers which were outside its field of competence. If the Board sent an individual or a mission to carry out an inquiry in a country, the constitutional principle of the inviolability of the national territory would be infringed; on the other hand, the refusal to admit such a mission would harm the country concerned in the eyes of public opinion.

During the present discussion, the United States representative had frankly stated that the information available to his Government might relate to only 10 per cent of the illicit traffic. It would follow that, in order to gather sufficient information, the Board would be obliged to establish an elaborate administrative machinery to the detriment of national authorities.

He agreed with the representatives of the United Kingdom and Yugoslavia that the developing countries would be the ones most affected by the proposed amendments, because, in view of their limited resources, they would be constantly exposed to intervention for purposes of inquiries.

The proposed amendments to article 2, paragraphs 6 and 7, would have the effect of inhibiting the adoption of purely national measures and would not make it possible to rely on the good faith of each Member State to limit opium production in its territory.

The proposed amendment to article 12, paragraph 5, combined with the proposed amendment to article 19, paragraph 3, was unacceptable, in that it would have the effect of empowering the Board to approve or modify estimates submitted by States.

His delegation also opposed the changes which it was proposed to make in article 14, paragraphs 1 (a) and 2. It would be most improper to allow the Board to rely on information which was at its disposal but which

had not been received from Government sources. The same was true of the proposal to empower the Board to initiate a local inquiry on the basis of such information.

The new paragraph 3 which it was proposed to insert in article 14 would turn the Board into a judicial body and place the State concerned in the position of an accused. Similarly, his delegation objected to the proposed changes in article 19, because they, too, would confer upon the Board powers that encroached upon the sovereign rights of States.

As he had pointed out in his previous statement (694th meeting), the proposed amendments to article 36, paragraph 2, were totally unacceptable to his country, because they would infringe provisions for the protection of individual freedom contained in the Mexican Constitution and the Mexican Penal Code. The suggestion that the States parties should undertake to include certain offences as extraditable offences in every future extradition treaty was also unacceptable, among other reasons, because it would tie the hands of his Governments for the future.

He agreed with the Yugoslav representative that the control of the licit traffic was already assured by the Single Convention as it stood and that no international instrument could curb that traffic. The efforts which were being made to introduce more rigid controls would simply create new problems for States by imposing on them additional administrative burdens.

The suggestion by the United States representative that the Board might use the services of specialized university centres to obtain better information seemed to suggest that the lawful authorities of a country were considered incapable of supplying the information in question. An analogy had been drawn during the discussion with the 1970 Convention to Suppress Unlawful Seizure of Aircraft, but such an analogy was false, because that convention was aimed at curbing the activities of a small number of extremists. The illicit traffic in narcotics involved thousands of persons and required carefully organized national campaigns, necessitating considerable resources and close co-operation between Governments.

His delegation could not accept the argument that supranational powers should be conferred upon the Board, because recommendations against the illicit traffic were not likely to be heeded any more than recommendations against environmental pollution. That type of reasoning could lead to proposals for the establishment of numerous supranational authorities for the control of all forms of anti-social activity. It was in direct conflict not only with the constitutional order of the individual countries but also with the principle of sovereign equality of States embodied in the United Nations Charter.

His delegation believed that close understanding between the national authorities concerned, combined with international technical and economic assistance to national administrations, was the best way of obtaining constructive results. His delegation greatly appreciated

the efforts and sacrifices made by the various States and peoples in the interests of the struggle against drug abuse. Governments which had thus shown their good faith should be given moral and economic assistance.

In the rare event of a Government failing to participate in the struggle against drug abuse, the 1961 Single Convention contained sufficiently strict provisions to meet the situation. Whenever a danger had arisen of an increase in the illicit traffic, both the Board and the Commission had taken a strong stand.

He fully agreed with the French representative that, if Governments supplied adequate estimates promptly and in good faith, those Governments which were unwilling to co-operate could be easily identified and the appropriate provisions of the Single Convention could be applied to them.

The Board's action would be rendered more effective if its contacts with Governments were strengthened and if world-wide research were promoted to curb the abuse of narcotics and medicines.

It was for those reasons that this delegation had welcomed the statement by the Personal Representative of the Secretary-General relating to a completely new world-wide campaign.

His delegation had not submitted any amendments, because it had certain doubts about the procedure which should be followed under article 47 of the Convention. That article clearly indicated, in chronological order, the steps which had to be taken by the parties, the Secretary-General and the Economic and Social Council in such a procedure. There was no doubt that the United States had followed that procedure, in the strict legal sense, in submitting its proposal, but the question arose whether the Council, in adopting its resolution 1577 (L), and particularly operative paragraph 3 thereof, had not gone somewhat farther than it should have by authorizing the Commission to consider proposals for amendments which had not existed when that resolution was adopted. Moreover, the procedural requirements of article 47 of the international instrument which it was proposed to amend had not yet been fulfilled; in other words, the amendments which had so far been submitted by delegations had not yet gone through the specific stages provided for in the Single Convention. They could, of course, be considered, not as amendments in the full sense, but rather as preliminary drafts or future proposals for amendments, which would be submitted prior to or at the plenipotentiary conference itself.

Moreover, it should be pointed out that the Commission, in accordance with the provisions of article 8 of the 1961 Convention, not only could, but must consider all matters pertaining to the aims of that Convention. From that point of view, the Commission must consider the possibility that some or even all of the provisions of the Convention might be amended, or in other words, that it might carry out a complete revision of the Convention.

The meeting rose at 12.55 p.m.

[E/CN.7/SR.709]

SUMMARY RECORD OF THE SEVEN HUNDRED AND NINTH MEETING

held on Wednesday, 13 October 1971 at 3 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1; E/CN.7/540 and Add.1, E/CN.7/542, E/CN.7/543, E/CN.7/L.344 and Add.1)

Mr. McCARTHY (Canada) said that his delegation had never considered the text of the 1961 Single Convention as unalterable. It had, moreover, said as much when the 1971 Convention on Psychotropic Substances was being drawn up.

At the request of Mr. VAILLE (France) and Mr. NIKOLIĆ (Yugoslavia), the CHAIRMAN invited the representative of the International Narcotics Control Board to explain the legal position of the Board in relation to the Commission on the one hand, and to the States parties to the amended Single Convention on the other.

Mr. DITTERT (International Narcotics Control Board) asked leave to reply later.

Mr. BARONA LOBATO (Mexico), referring to the statement made by his delegation at the 708th meeting and to the interest it had aroused amongst other delegations, requested that it should be reproduced *in extenso* in the summary records. He insisted that the Commission should respect the terms of reference given to it by the Economic and Social Council and confine itself to considering the inadequacies of, or the gaps in, the Single Convention, without taking upon itself the tasks of revision, which would be the prerogative of the plenipotentiary conference.

Mr. VAILLE (France) supported the Mexican representative's request. He thought, moreover, that the legal position of the Commission was made clear in the relevant resolution of the Economic and Social Council and in the interpretation given to it by the Legal Adviser.

At the request of the CHAIRMAN, Mr. ANSAR KHAN (Secretary of the Commission) read out operative paragraph 3 of Council resolution 1577 (L), in which the Commission was requested "to study ... proposals for amendments to the Single Convention ... with a view to submitting comments as appropriate to the conference".

Mr. McCARTHY (Canada) said that, without commenting on the substance of the Mexican delegation's statement, he was in favour of its reproduction *in extenso*. In view of the terms in which the Commission's terms of reference were defined in the Council resolution, it seemed to him that the Commission should study not the text of amendments but the general principles they involved.

Dr. BABAIAN (Union of Soviet Socialist Republics) considered that the representatives attending the Commission's current session were competent to study not only technical but also legal questions, without having to seek the opinion of jurists. In any case, however, it was quite clear the Commission should not go so far as to study the amendments in detail.

He asked on the basis of what text the Commission was going to decide whether a total or a partial revision of the Single Convention would be undertaken.

He supported the Mexican representative's request.

Dr. EL HAKIM (Egypt) and Mr. OSMAN (Lebanon) said that they too would like to have the complete text of the Mexican delegation's statement made available.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that even if the terms of reference of the Commission were restricted, since the Commission was to confine itself to studying amendments and to submitting comments on them without adopting or rejecting them, those terms were nevertheless wide, since the Commission was empowered to study the amendments in all their legal, social, economic and other aspects.

In the interest of the efficacy of future work, it was important that the present discussions of the Commission should be reported in great detail, but the reproduction of statements *in extenso* should be avoided in view of its budgetary implications.

Mr. NIKOLIĆ (Yugoslavia) supported the request of the Mexican delegation. He appealed to the Commission not to linger over procedural matters, but to deal immediately with the study of the amendments proposed by the United States of America (E/4971 and Add.1), which represented the only proposal to have been submitted sufficiently early for the Yugoslav delegation to study it in detail and to obtain its Government's instructions thereon.

Mr. ANSAR KHAN (Secretary of the Commission) reminded the Commission that it had been on completely exceptional grounds that the competent services had agreed to publish *in extenso* the statements made at the 694th meeting by the United States and Swedish representatives, who had submitted amendments. At the present time, the only organs for which statements could be reproduced *in extenso* were the General Assembly in plenary meeting, the Security Council, the Committee on Disarmament and the Trusteeship Council. As to the functional commissions of the Economic and Social Council, the General Assembly had asked that they should dispense with summary records and replace them by minutes (see Assembly resolution 2292 (XXII)). The Council itself had done likewise in its resolution 1379 (XLV). The Commission on Narcotic Drugs had been the first of the Commissions to conform with that request, reserving the right to request summary records exceptionally, as it had done at its first special session¹ and at the current session

for the consideration of items 5 and 10 of its agenda. Before acceding to any other request to the same effect, the Secretariat would have to refer the matter to Headquarters, and this might give the impression that the Commission was going back on its intention to reduce summary records to a strict minimum, or even that it was deciding to go much further. Without committing himself, he thought the Secretariat would be unable to comply immediately with any decision the Commission might take in that direction, in view of the decisions of the General Assembly and of the Council, and in the light of the general budgetary situation.

Mr. STEWART (United Kingdom), supported by Mr. INGERSOLL (United States of America), thought that if the plenipotentiary conference could be content with summary records, the Commission should abstain from publishing statements *in extenso*, for such a procedure might be repeated at the 1972 conference.

Like the representatives of France, Canada and the USSR, he thought that the Commission should confine itself to commenting on the amendments without attempting to play the role of a drafting committee.

Mr. VAILLE (France) observed that in accordance with rule 28 of its rules of procedure, the Commission could not approve a proposition entailing expenditure for the United Nations before the Secretary-General had presented an estimate of the costs.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) added that the plenipotentiary Conference which had met in 1971 had had the summary records of the first special session and the report on that session at its disposal.

After a short exchange of views in which Mr. INGERSOLL (United States of America), Dr. BABAIAN (Union of Soviet Socialist Republics) and Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) took part, Mr. KIRCA (Turkey) suggested that the Mexican and United States delegations should themselves be responsible for the reproduction *in extenso* of the statements they had made at the previous meetings.

Mr. CASTRO Y CASTRO (Mexico) said that his delegation was prepared to do so, and apologized for having taken up the Commission's time.

The CHAIRMAN asked if the Commission wished to study the proposed amendments in the manner suggested by the French representative, namely using the text of the Single Convention as a basis and studying in turn each article which was the subject of a proposed amendment.

Mr. VAILLE (France), supported by Dr. MÅRTENS (Sweden) and Dr. AZARAKHCH (Iran), thought that that method had the merit of being realistic and would save the Commission time. For that reason, he renewed his proposal and would, if necessary, request a roll-call vote on the subject.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that he could accept the French representative's proposal; only three articles (articles 12, 14 and 36) were

¹ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 8, para. 17.*

the subject of several amendments. A study of the amendments on the lines of that proposal should therefore be fairly rapid.

Mr. ALVAREZ CALDERÓN (Peru) said that he too could accept the French representative's proposal. Peru had recently proposed an amendment to article 27 of the Single Convention (E/CN.7/543), which aimed at making the fight against illicit traffic more effective through a stricter control of exports, which would thus discourage the over-production of alkaloids derived from coca leaf.

Mr. NIKOLIĆ (Yugoslavia) proposed that the Commission should study the amendments in the order in which they were shown in the agenda starting with document E/4971/Add.1. The Commission had set itself the task of studying the broad lines of the amendments, and the relevant documents presented the reasons for which countries had proposed them in a clear and concise manner; that would facilitate the Commission's work.

Mr. INGERSOLL (United States of America) said that he would willingly agree to the French proposal if the Commission decided to accept it, but he wished to propose another solution: since the discussions would bear on the broad principles underlying the proposals for amendment and not on details, the different proposals could be grouped by subject, which would enable the major problems to be dealt with one by one. The Commission might adopt the following order:

Terms of office of members of the Board

Article 10, paragraph 1: amendment proposed by France (E/CN.7/542).

Access to information

Articles 14, 19 and 20: amendments proposed by the United States (E/4971/Add.1).

Utilization of information

Article 14: amendment proposed by the United States (E/4971/Add.1).

Local inquiries

Article 14: amendment proposed by France (E/CN.7/542) and amendments proposed by the United States (E/4971/Add.1).

Estimates system

Articles 12, 19 and 24 and new article 21 bis: amendment proposed by France (E/CN.7/542) and amendments proposed by the United States (E/4971/Add.1).

Embargo

Article 14: amendment proposed by the United States (E/4971/Add.1).

Treatment of addicts

Articles 36 and 38: amendments proposed by Sweden (E/CN.7/540).

Extradition

Article 36: amendment proposed by the United States (E/4971/Add.1).

Coca leaf

Article 27: amendment proposed by Peru (E/CN.7/543).

Mr. VAILLE (France) accepted that proposal.

The CHAIRMAN said that, in the absence of any objection, he would consider that the Commission had adopted the order of discussion proposed by the United States representative.

It was so decided.

Terms of office of members of the Board—article 10, paragraph 1: amendment proposed by France (E/CN.7/542)

Mr. KIRCA (Turkey) supported the principle underlying the proposed amendment.

Mr. VAILLE (France) said it would have been useful to have the views of the Board on that matter. Moreover, he wondered whether the Secretariat could inform the Commission regarding the terms of office of members of the Board and of similar bodies which had preceded it and which owed their existence to narcotics treaties precedent to the 1961 Single Convention.

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) said that under the provisions of the 1925 Convention members of the Permanent Central Opium Board served for a period of five years and were eligible for re-election.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that his delegation had received the proposed amendment too late to study its legal implications. It appeared to be a simple modification, but it might have important repercussions; there was no doubt that, if members of the Board had a longer term of office, they would be in a better position to carry out their task, but on the other hand a smaller number of countries would be represented. The Soviet delegation could not, therefore, reach a decision immediately.

Mr. STEWART (United Kingdom) said he thought it would be premature for delegations to give decisive and final opinions on those amendments. Subject to that reservation, his delegation was inclined to favour an extension of the terms of office of members of the Board.

Mr. ALVAREZ CALDERÓN (Peru) said that, while it would be appropriate to extend the term of office of members of the Board to five years, it should be stipulated that they would not be eligible for re-election indefinitely.

Mr. THOMPSON (Jamaica) said he was not in favour of the amendment proposed by France. It was not sound to encourage the establishment of irreplaceable appointments within the framework of the United Nations.

Mr. VAILLE (France) said he did not understand why the Peruvian representative was opposed to the re-election of members of the Board, since experience in the League of Nations and the United Nations had shown that system to be satisfactory. A certain time,

perhaps one or two years, was necessary for new members to become conversant with their work. Moreover, a longer term of office would enable them to display greater equanimity, particularly as their responsibilities were often judicial in nature; it was well known that in many judicial systems, magistrates were appointed for life, which enabled them to become more completely impartial.

Regarding the desire that a greater number of countries should be represented, and in view of the fact that the role of the Board was becoming increasingly heavy, consideration could be given to increasing the membership of the Board, say up to 15.

Mr. ABDEL RAZEK (Egypt) said that the members of other United Nations bodies had a term of office of four years; that example could perhaps be followed. In addition, his delegation proposed that members of the Board should be eligible for re-election only once, so as to guarantee a wider representation of countries.

Mr. McCARTHY (Canada) said that in principle his delegation supported the French proposal. In view of the greater responsibilities of members of the Board and of the increasingly extensive technical knowledge they needed to have, they should be re-elected by rotation, so as to ensure a certain continuity in the work.

Mr. VAILLE (France) said that, once they had been appointed, the members of the Board should show complete impartiality and neutrality; they did not represent any given country, since they acted in their personal capacity and it was their individual qualities which mattered. Moreover, too frequent a change in the membership would place too heavy a responsibility on the Board's secretariat, which would be the only body fully conversant with the work. A period of three years corresponded to only six sessions of the Board and that was not sufficient to pursue any effective long-term action.

Mr. CHAWLA (India) said that at the present time he could make only general comments, since, like the representative of the Soviet Union, he had not received the relevant documents in sufficient time.

Contrary to what the French representative had said, a period of three years would not appear to be insufficient for members to become conversant with their tasks. They were specialists who already had detailed knowledge of the questions that would be entrusted to them. He recalled that the United States representative at a previous meeting had stated that the world was developing with increasing rapidity, which made it more and more essential that there should be a steady contribution of new knowledge and experience. Such a contribution would be promoted by a more frequent change in the membership of the Board.

Dr. MÅRTENS (Sweden) said that, subject to all reservations, his delegation was in favour of the proposed amendment. The Board should have full administrative and political independence, which would

be facilitated by an extension of the term of office. Moreover, the members elected were highly qualified and competent persons; they should therefore be eligible for re-election as often as necessary.

Mr. INGERSOLL (United States of America) thought that the amendment proposed by France contained many constructive ideas and deserved to be given the most careful consideration. It had repeatedly been stated that the Board carried out its functions in the most satisfactory manner and that it should be given new responsibilities, particularly in view of the entry into force of the Convention on Psychotropic Substances. The French proposal appeared to be designed to strengthen the stability and effectiveness of the Board, and that was in accordance with the spirit of the amendments proposed by the United States. The need for a constant renewal of thinking and knowledge, to which the Indian representative had just referred, did not seem in any way incompatible with the longer presence in the Board of experienced specialists who never stopped learning and applying their new knowledge. To sum up, his delegation, without being able to take a final stand, found the French proposal interesting and worthy of attention. He noted further that the observer for Australia had pointed out earlier the importance of the plenipotentiary conference considering the larger question, to which the French proposal was related, of how the Board could best be organized to deal with the increased responsibilities it was proposed to assign to it.

Mr. STEWART (United Kingdom) said that the question was how to arrive at the best possible balance between the different requirements, so as to serve the objectives of the international community effectively in face of a problem which was becoming daily more threatening. The Economic and Social Council must be able to elect men of the highest competence and integrity and make it possible for them to exercise their function in the best possible conditions. Carefully weighing all the elements, it would seem that a longer term of office would be more advantageous than one that was too short.

Mr. KIRCA (Turkey) said that, in itself, the term of office of five years proposed by France would in no way modify the power of action of the members of the Board; however, the other amendments designed to give the Board greater powers of decision, which would transform it into a judicial rather than an advisory body, justified the proposed prolongation. Moreover, at present, members were eligible for re-election, and since the Economic and Social Council had already chosen, in fact if not in law, to maintain competent persons in their functions for a relatively long period of time, it would be better to confirm present usage. In that respect, it would be interesting to know how many of the present members of the Board had remained in their posts for more than three years through successive re-elections.

Dr. BERTSCHINGER (Switzerland) said that, like other representatives, he was not in a position to take

any decision on the French amendment, which had been submitted too late. He reminded the Commission, however, that the question of the membership of the Board and the length of the term of office had given rise to long discussions at the 1961 Conference; it would therefore be useful to ascertain from the records of the Conference what reasons had led to the adoption of article 10, paragraph 1, and to consider whether circumstances had changed sufficiently to justify a modification of that text. In addition, it would perhaps be better not to take any decision on the length of the term of office until the amendments designed to increase the powers of the Board had been considered.

Dr. EDMONDSON (Observer for Australia), speaking at the invitation of the Chairman, said that, although he had no instructions from his Government, he thought he could say that the principles on which the French amendment was based and the opinion expressed by the Canadian representative were in keeping with his country's views. The amendments to the 1961 Convention should be considered as a whole and were of particular significance only in so far as they modified the capacity of the Board to carry out its duties, particularly with regard to the 1971 Convention on Psychotropic Substances.

Mr. SAGOE (Ghana) said that, although he was not in a position to express an opinion on the proposed amendment by France, he thought it would be better not to modify the existing provisions of article 10 whereby the terms of office of members of the Board were renewable indefinitely.

Mr. VAILLE (France) agreed with the representative of Canada that there should be a partial renewal of the members of the Board, since that was a satisfactory way of ensuring a continuity of views in that body.

Access to information—articles 14, 19 and 20: amendments proposed by the United States (E/4971/Add.1)

Mr. SOTIROFF (Secretariat) said that, in the order in which it had decided to consider the amendments, the Commission was now considering amendments to articles 14, 19 and 20, in so far as those articles related to the information which the International Narcotics Control Board could request from countries and its methods of obtaining them.

Mr. NIKOLIĆ (Yugoslavia) said he could not see the point of the proposed amendments, since the States parties to the Convention were already furnishing the Board with all necessary information on opium production, from the area sown to the quantities harvested and the quantities used for various purposes, even to the extent of their water and morphine content. Moreover, the last sentence of paragraph 1 of the explanatory memorandum (E/4971/Add.1) required clarification.

Mr. INGERSOLL (United States of America), having summarized the proposed amendments, said that they would considerably increase the power of the Board to request information from the parties on the cultivation of the opium poppy and the production of opium, i.e.

the raw materials which were the source of the illicit traffic.

Mr. NIKOLIĆ (Yugoslavia) said that those amendments in no way changed the existing situation, since the parties were already supplying the Board with all necessary information under the instruments in force, as the representative of the Board could confirm.

Mr. STEWART (United Kingdom) said that he agreed with the representative of Yugoslavia that the parties were already furnishing the Board with all the information required on the cultivation of the opium poppy and on the production, consumption and movements of opium, to the extent that those operations were licit. Consequently, the amendments were probably aimed at illicit and uncontrolled operations, since it was stated at the end of paragraph 1 of the explanatory memorandum that they would allow "the collection of information about the raw material of narcotics from which illicit diversion normally occurs", while the amendment to article 14 gave the Board the power to act "if, on the basis of information at its disposal, the Board has reason to believe . . . that there is a danger of any country or territory becoming a centre of illicit traffic". He asked the representative of the United States how the series of proposed amendments would make it possible to obtain information on the illicit traffic, what exactly was meant by a "centre of illicit traffic" and on the basis of what information the Board would come to the conclusion that there was a danger of a country or territory becoming such a centre.

Mr. THOMPSON (Jamaica) wondered what was meant by the words "on the basis of information at its disposal" which, in the amendment to article 14, were to replace the words "on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs" in paragraph 1 (a). The proposed wording would give the impression that the information so obtained had come from a clandestine source and constituted the "facts" on the basis of which the Board would come to the conclusion that "there is a danger of any country or territory becoming a centre of illicit traffic". He could not help being alarmed and asked himself how and where the Board would obtain such information—which would presumably be additional to the information officially supplied by Governments—and what criteria would be used to define a "centre of illicit traffic".

Dr. BABAIAN (Union of Soviet Socialist Republics) said that he, too, failed to see what data officially supplied to the Board could inform the latter of the quantities of narcotic drugs diverted into the illicit traffic, or how the Board thought it would be able to obtain such information by other means than from an unofficial source. It would be useful if the representative of the Board would give his views on the subject; as currently worded, the formula proposed for paragraph 1 (a) of article 14 was unclear.

The meeting rose at 5.40 p.m.

[E/CN.7/SR.710]

SUMMARY RECORD OF THE SEVEN HUNDRED AND TENTH MEETING

held on Thursday, 14 October 1971 at 9.35 a.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1; E/CN.7/540 and Add.1, E/CN.7/542 and 543; E/CN.7/L.344 and Add.1)

Access to information—articles 14, 19 and 20: amendments proposed by the United States (E/4971/Add.1) (continued)

Mr. REUTER (International Narcotics Control Board)* said that, apart from certain technical questions to which the Secretary of the Board would reply, two questions had been asked during the discussion. The first was whether the Board was an advisory body to the Commission. The second was whether the amendments under discussion would have the effect of radically transforming the Board's role and functions as defined in the treaties in force. The Board's answer to both questions was firmly and clearly in the negative.

The members of the Commission were representatives of sovereign States, and sovereign States were bound by the treaties they had accepted and by no others. The members of the Board, on the other hand, were not representatives in any sense; they were international agents whose activities were entirely dependent on treaty provisions. The Board had to take the action provided for in those provisions and could do nothing that was not covered by them. It was not called upon to advise Governments, and accordingly did not constitute an advisory body to the Commission. Its role was to supply information. Governments had their own national bodies, and also international bodies, to advise them. The Commission could well be mentioned as one of the latter. The Board's function of information was none the less very important and had led to the establishment of a fruitful co-operation which was beneficial to both the Board and the Commission.

Seen in that light, the Board was something less than an advisory body but, seen from another viewpoint, it was something more. Under the narcotics treaties, it had to supervise the implementation of those treaties by States, and in the event of non-observance, initiate the procedures provided for in the treaties. The treaties thus placed a very heavy responsibility upon the Board, and it was precisely in order to discharge that responsibility better and to enjoy the continued confidence of States that the Board had been careful not to express any views on the amendments; had it done so, it would have assumed legislative functions which it did not possess. The position of the Board was one of total

dependence on the collective will of States as expressed in the treaties. At the same time, in the discharge of its treaty functions, the Board was completely independent of States acting individually.

As for the second question, none of the amendments at present under consideration envisaged any radical innovations in the existing treaty provisions. They carried those provisions a stage further, their purpose being to strengthen the authority of the Board in the exercise of its judicial functions.

As he had said, the Board was not called upon to express any opinion on the proposed amendments. Since, however, it had been suggested that the discussion should be concentrated on the more important points, he wished to supplement the information on one such point which had already been given to the Commission by the President and the Secretary of the Board.

It had been asked whether either the International Narcotics Control Board or its predecessor bodies had ever applied the procedure laid down in the treaties in the event of non-compliance with its provisions. The answer to that question was in the affirmative. The reason why there had been no public statements on the subject was because the treaties themselves specified that the procedures in question should begin with a confidential phase.

The question then arose of why the Board or its predecessors had not recommended an embargo on any occasion since 1945. Between 1945 and the present date, however, although situations had arisen that called for concern, the Board or its predecessors had not recommended an embargo because they had never found themselves faced with a State that was acting in bad faith. A State could be said to be acting in bad faith if, in a serious matter on which it was fully informed, it refused to take measures which it was in a position to take. It was, of course, extremely difficult to assess what action a State was in a position to take. A State which, because of its stage of economic development, was unable to establish a complete modern administration, could not be asked to take overnight certain measures which presented no difficulty for other States. Nor could a State be said to be acting in bad faith if the situation which gave rise to concern was the result of its inability to ensure complete internal security throughout its territory. Where a State showed willingness to make progress and took such action as was within its power, it would be pointless for the Board to institute a sanctions procedure.

He would not enter into the question of whether there had been any cases of bad faith before 1945 and still less engage in speculation regarding the possibility of such a case occurring in the future. The Board could only express views that were based on documentary evidence. It was for Governments to decide whether the situation had changed since 1961 and, if so, whether they wished to adopt a new attitude. The question was one which could only be answered by Governments; the Board was not empowered by the treaties to give an answer, nor was it qualified to do so.

* The full text of this statement is reproduced on page 70 below.

Mr. DITTERT (International Narcotics Control Board), replying to a question by the Turkish representative, said that, at the last elections of members of the Board, the Economic and Social Council had re-elected seven members out of eleven.

In reply to questions put by the Yugoslav representative, he explained that parties to the 1961 Single Convention were not required to supply the Board with advance estimates of the areas under opium poppy cultivation or of opium production. Parties to the 1953 Protocol were, however, required to do so. Moreover, under the 1961 Convention, Governments were not obliged to furnish the Board with statistics on the areas under opium poppy cultivation, whereas that was a requirement for parties to the 1953 Protocol. The Board therefore included questions on those points in its questionnaires, but States which were not parties to the 1953 Protocol were not obliged to answer them.

A number of delegations had asked how the Board could determine whether there was a danger of a country becoming a centre of the illicit traffic. The 1925 Convention provided that, in the event of such a risk arising, the Board could take certain measures. The information on which the Board could base its action included the discussions in the Commission, the reports and statistics on seizures, the annual reports of Governments, the statistical returns, and information which might be obtained in consultations with Governments.

Mr. INGERSOLL (United States of America) said that some representatives had asked what additional information would be provided to the Board under his delegation's proposed amendments. Such information would include information obtained as a result of local inquiries carried out with the consent and co-operation of the States concerned. It would also include advance estimates of the areas of opium poppy cultivation and of opium production. Unlike parties to the 1953 Protocol, parties to the 1961 Single Convention were not required to furnish such estimates. Nevertheless, a number of countries which were not parties to the 1953 Protocol were supplying them voluntarily as a matter of courtesy. The purpose of the United States amendments was to bring within the scope of article 19, paragraph 1, the supply of information on the area that would be under opium poppy cultivation and on the expected quantity of opium production, the terms "cultivation" and "production" having the meanings assigned to them in article 1, paragraph 1 (i) and 1 (j), of the Single Convention.

The additional information supplied to the Board would also include that given in the statistical returns for the amount of opium actually harvested. The submission of such information was a requirement for parties to the 1953 Protocol, but not for parties to the Single Convention, and the purpose of one of the United States amendments was to include that requirement in the latter instrument.

With regard to the concept of the danger of a country "becoming a centre of the illicit traffic", that concept

already appeared in article 24, paragraph 1, of the 1925 Convention. His delegation considered that it referred to any country which formed part of the channel of the illicit traffic and was thus a link in the chain connecting the country of origin of the drug with the country of consumption. The idea underlying the United States amendment to article 14, paragraph 1 (a), was that any such country would benefit from the advice of the Board.

He had been surprised by assertions during the discussion that the 1961 Single Convention was intended only to regulate the licit traffic and not to protect the international community against the illicit traffic. Those who had drafted the Single Convention had, of course, assumed that if all its provisions were observed, there would be no illicit traffic but they had also realized that that objective would not be attained overnight. For that reason, the Single Convention envisaged continuing action against the illicit traffic. Articles 14 and 18 empowered the Board to seek and to receive information on the illicit traffic. Article 22 provided for action by the parties to prevent the diversion of drugs into the illicit traffic. Articles 35 and 36 envisaged action against the illicit traffic, including the enactment by the parties of legislation making violations of the provisions of the Single Convention punishable by law.

Clearly, therefore, the Single Convention committed the parties and the Board to undertaking effective measures against the illicit traffic. The only valid question which arose was whether the machinery provided for in the Convention was adequate. In that connexion, he did not claim that the United States proposals constituted the only or even the best possible means of improving international action against the illicit traffic. Many of the projects included in the Secretary-General's Plan for Concerted Short-term and Long-term Action against Drug Abuse would also have an impact on that action. The United States amendments were designed to improve one of the several available tools for combating the illicit traffic.

It had been suggested during the discussion that it was not essential to tighten the control over the licit traffic because there was little or no diversion from licit production. Although no diversion occurred after the Governments concerned had taken possession of the licit opium crop, considerable diversion unfortunately took place before that stage; much of the heroin which reached the United States was derived from opium diverted into the illicit traffic in that way. It was, therefore, clear that the tightening of international control over licit opium production would serve to deal with a major diversion. He reminded the Commission that in the announcement made by the Prime Minister of Turkey on 30 June 1971 regarding the termination of legal opium cultivation in that country, reference had been made to the need to prevent diversion into the illicit traffic and the provisions of article 22 of the Single Convention had been mentioned. That welcome action by Turkey did not therefore remove the need for international action against illicit diversion. There were other countries where licit production of opium existed. In fact, within certain limits, the Single Con-

vention gave all States the right to undertake the licit production of opium.

The United States amendments had been formulated with due regard to the fact that, if they were adopted, the amended Convention would remain in force for many years. It was necessary to provide for any foreseeable situation and to enable the Board to co-operate with States in halting the illicit traffic. The Board should be able to obtain all the necessary information to enable it to help States in carrying out their treaty obligations.

Mr. AGUILLON (Observer for the Philippines), speaking at the invitation of the Chairman, endorsed the Jamaican representative's views (709th meeting) on the words "at its disposal" in the proposed amendment to article 14, paragraph 1 (a). In his delegation's opinion, the Board should act only on official information provided by a Government.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that that amendment must be seen in the broader context of the objective sought by the Commission, on which all delegations were agreed. Its purpose was to strengthen the powers of the Board, which would be practically paralyzed in cases where it suspected that a Government might not be fulfilling its obligations under the Convention, unless it had access to all sources of information, both official and non-official.

Mr. GAVAZZONI SILVA (Brazil) said that his delegation's doubts related not to the source of non-official information but to the use to which it might be put by the Board. A possible solution might be to insert a sentence in the proposed amendment stating that such information would be transmitted in confidence to the Government of the country concerned.

Mr. ABDEL RAZEK (Egypt) said that difficulties would arise if the Board accepted information from non-governmental sources. If those sources were individuals who were nationals of the countries concerned, controversy might arise over their right to incriminate their own country; furthermore, the Board would in all cases have to assess the credibility of the information supplied. In addition, the words "or that there is a danger of any country or territory becoming a centre of illicit traffic" would give rise to serious problems of interpretation.

Mr. SAMSON (Observer for the Netherlands, speaking at the invitation of the Chairman, said that the technical matters which should be the Commission's primary concern were sometimes obscured by considerations of a political nature. In his view, those political questions should be left to the forthcoming plenipotentiary conference.

In his statement at the 694th meeting, the representative of the United States had said that there was today more opium available for illicit purposes than ever before, and that that was indicative of the inadequate regulatory provisions in the Single Convention. However, the very fact that 79 States or territories had acceded to that Convention constituted a major achievement which demonstrated the balance and world-

wide efficiency of the control system established under it. What the increased availability of opium for illicit purposes really demonstrated was the need for social development measures which would enable the Government concerned to control illicit opium production. It was not a question of tightening international controls, as could be seen from an analysis of the position of the countries principally concerned in relation to the Single Convention: Afghanistan, Burma, Thailand and Pakistan were parties to the Convention but had inadequate resources to implement its provisions, while Laos and Nepal were not parties either to the Convention or to the 1953 Protocol. The Commission should realize that the proposed amendments aimed at strengthening the powers of the Board could do no more than correct minor problems of drug abuse, and it should state clearly in its report to the Economic and Social Council that other and far more extensive economic and social measures were necessary.

Mr. NIKOLIĆ (Yugoslavia) said his delegation maintained its view that the Single Convention was intended to regulate only the licit production of narcotic drugs and that it was an inadequate instrument for the prevention of illicit production and traffic. His delegation could not accept the proposals that the Board should be authorized to initiate local inquiries and to modify estimates submitted to it. Those proposals would invest the Board with supranational powers and thus violate national sovereignty. The incorporation of those provisions in the 1953 Protocol had prevented many States from becoming parties to that instrument, and their incorporation in the Single Convention could only have an equally detrimental effect.

The Yugoslav delegation was opposed to the inclusion of the words "on the basis of information at its disposal" in article 14, paragraph 1 (a), for the reasons stated by previous speakers. The provisions for extradition contained in the proposed amendment to article 36 were acceptable in principle, although the circumstances in which extradition could take place would, of course, have to be defined.

Mr. STEWART (United Kingdom) said that his request for clarification of the amendments proposed by the United States had in no way implied any criticism of their validity. He stressed the importance of considering amendments to the Single Convention in the light of historical precedents, as well as in the light of the current situation.

Mr. CHAWLA (India), noting that articles 14, 18, 19 and 20 of the Single Convention provided for the submission of very extensive information, asked whether the Board felt that the present system was adequate and, if not, how it could be made more comprehensive. As a party to the 1953 Protocol and the 1961 Convention, India supplied the information required, but he did not know whether the Board was really able to make use of it. In particular, it was not clear to him how estimates provided in advance under the 1953 Protocol helped the Board to exercise its functions. If non-official information was to be submitted to the

Board, the sources and reliability of such information would have to be clarified.

Mr. McCARTHY (Canada) said that he fully supported the proposed United States amendment to article 14, paragraph 1 (a), since strict control at the source was obviously necessary in order to arrest the world-wide epidemic of drug abuse.

Mr. THOMPSON (Jamaica) said that he would like to ask, first, whether, if the United States amendment was adopted, the present system of access to information from ICPO/INTERPOL would be retained and, secondly, whether the Board would be able to set up its own system for collection of information.

Dr. MÅRTENS (Sweden) said that his delegation was completely in favour of any measures which would provide the Board with fuller information about drug abuse. He would like to ask the Board how it evaluated the information which it received.

Mr. REUTER (International Narcotics Control Board) said that the Board considered that the information received under the 1953 Protocol was of real value in its work. One question that might arise was whether the Board should consider information other than that furnished directly by Governments. In cases of doubt, of course, the Board could always refer to the United Nations Legal Council for advice.

In reply to the Swedish representative, he said that the Board always asked the Government concerned about its attitude to the information in question and that the position taken by the Government would naturally be considered as the official one.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that his delegation fully agreed with the Swedish representative that it was the legal responsibility of the Governments in question to supply the necessary information to the Board.

Mr. VAILLE (France) said that he agreed with the views expressed by Mr. Reuter on behalf of the Board. He would like to add, however, that while the reports of the Economic and Social Council and those of ICPO/INTERPOL were very important, they unfortunately often arrived very late, so that they were mainly of historical interest.

Mr. INGERSOLL (United States of America) said that, as he had already pointed out, the 1961 Convention contained a series of gradually escalating measures which the Board could take to ensure the application of its provisions. As it now stood, article 14 provided for action solely on the basis of information which was submitted to the Board by the Governments concerned or by some United Nations organ. In his Government's opinion, that procedure was unduly restrictive, since the State in question might have no data available, while the Board might possess additional information which would seem to be of *prima facie* importance. Obviously, it would be desirable for the Board to begin its enquiries with a confidential request to the Government concerned.

The Brazilian representative had very properly raised the question of how the whole process could be kept confidential; that was a point which should be considered at the plenipotentiary conference.

Lately, with respect to the sources of information which might be available to the Board, he said that in addition to official sources such as Governments, recourse might be had to unofficial sources such as university scholars.

Mr. THOMPSON (Jamaica) asked whether, under the United States amendment, the Board would be authorized to set up its own information collecting network.

Mr. REUTER (International Narcotics Control Board) said that while the Board would institute inquiries, it could not set up any body for the purpose of collecting information.

Mr. INGERSOLL (United States of America) said that under article 14 in its present form, or as amended, the Board would not be authorized to hire personnel or to spend money for the purpose of collecting information except with the agreement of States.

The meeting rose at 12.30 p.m.

[E/CN.7/SR.711]

SUMMARY RECORD OF THE SEVEN HUNDRED AND ELEVENTH MEETING

held on Thursday, 14 October 1971 at 2.35 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

In the absence of the Chairman, Mr. Ingersoll (United States of America), Vice-Chairman, took the Chair.

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1; E/CN.7/540 and Add.1, E/CN.7/542 and 543; E/CN.7/L.344 and Add.1)

Access to information—articles 14, 19 and 20; amendments proposed by the United States (E/4971/Add.1) (concluded)

Mr. KIRCA (Turkey) said that the amendments concerning access to information which the United States of America was proposing to make to articles 14, 19 and 20 of the Single Convention were acceptable to his Government, since the provisions they laid down were already contained in article 11, paragraph 1, subparagraph (b) and in article 8 of the 1953 Protocol, which Turkey had ratified.

Mr. SAGOE (Ghana) said that his delegation, which was always anxious to contribute to the utmost to the suppression of the illicit traffic in drugs in general and in narcotic drugs in particular, was not in principle opposed to proposals or amendments designed to strengthen the instruments which governed the control of

drugs, subject to the effects they might have on the economy of the producing countries, the sovereignty of States and freedom of the individual. Wondering how the International Narcotics Control Board would obtain the information to which the United States' proposed amendments to article 14, paragraph 1, sub-paragraph (a) referred, the Ghanaian delegation might, as the USSR representative had put it at the preceding meeting, have feared that the Board would set up a network of information, but the explanations given by the United States representative and by representatives of the Board at that meeting had resolved the doubts it had in that respect. He shared the views expressed by the representatives of Brazil, Egypt and Sweden; he too hoped that the Board would not make use of any information which might place it in an embarrassing situation and affect the confidence States reposed in it. He hoped, furthermore, that it would be possible at the plenipotentiary conference in March 1972 to find wording to express the intentions of the United States amendment which would be acceptable to all States and would strengthen the position of the Board.

Mr. ASRAR HUSSAIN (Pakistan) saw no objection to the modification of article 14 paragraph 1, sub-paragraph (a) as proposed by the United States of America, since the 1953 Protocol already provided that the information foreseen in the amendment should be supplied to the Board, on the understanding, however, that the Board would never act on the basis of information obtained from sources other than governmental sources without first referring it to the Government concerned. That precaution would guarantee that the information obtained would always be authentic and reliable.

Mr. ALVAREZ CALDERÓN (Peru) feared that the difficulties of applying the amendments proposed by the United States of America would outweigh the expected advantages. Experience in other areas, in particular in that of human rights, showed the extent to which that type of intervention could be dangerous. The maximum that could be done was to ensure the collaboration of States. The power to ask for supplementary information and to make recommendations to the countries concerned, provided for in the 1961 Convention, sufficed; as an addition, recourse could be had, if necessary, to institutions within the United Nations framework, by drawing up a list of those which might provide information to the Board, in the same way as was done in other areas.

Utilization of information—article 14: amendment proposed by the United States (E/4971/Add.1)

Mr. KIRCA (Turkey) said that in substance the amendments proposed by the United States of America to article 14, paragraph 1, sub-paragraph (a) were acceptable, but he would prefer the wording to be brought into line with the text of the French amendment to that passage in article 14 which dealt with local enquiries (E/CN.7/542) and which linked the two conditions governing the Board's right to ask

Governments for explanations, namely that the purposes of the Convention were seriously jeopardized and that a country or territory seemed to have become an important centre of illicit traffic. In other words, the word "or" in the fourth line of the United States text would be replaced by the word "and" appearing in the text of the French amendment. The ultimate aim of the 1961 Convention was, after all, to thwart the illicit traffic.

Mr. MILLER (United States of America) thought that it would be better to leave it to the plenipotentiary conference to decide if the two conditions should be linked or not, since the Commission could not, through lack of time, study the matter in sufficient depth. As his delegation saw it, it was possible for a country to apply the Convention but for the Board to feel nevertheless that a serious problem was involved. That was why the word "or" had been preferred to the word "and".

Mr. THOMPSON (Jamaica) asked, on the hypothesis that the amendment authorizing the Board to act "on the basis of information at its disposal" was adopted, whether the Board would be able, when it asked a Government in confidence for explanations, to reveal the unofficial sources from which it had obtained that information.

Mr. VAILLE (France), after affirming that there could be no doubt about the earnestness with which the Board worked and would continue to work, said that the graduated stages designed to take account of national susceptibilities, as provided for in article 11 of the 1953 Protocol, which consisted of a heading and several sub-headings, was taken up, although without sub-headings, in the different sub-paragraphs of article 14, paragraph 1, of the Single Convention. In sub-paragraph (a), in particular, it was said that a request for information would be treated as confidential, subject to the right of the Board to call the attention of the parties, the Economic and Social Council and the Commission to the matter. That procedure was frequently employed and its merits were proved by precedents.

Mr. CHAWLA (India) pointed out that the United States amendment did not exactly follow the wording of article 11 of the 1953 Protocol; according to that article, the requests for information and explanations the Board could address to Governments were qualified as "confidential". He would prefer the authority given to the Board under the United States amendment to be subject to the same restriction, which would make it acceptable to a large majority of countries.

Mr. MILLER (United States of America) observed that under the provisions of the second sentence of article 14, paragraph 1, sub-paragraph (a), requests for information or explanations were considered as confidential, subject to the right of the Board to call the attention of the parties, the Council and the Commission to the matter. Although not worded in the same way, the same rule was to be found in substance in the 1961 Convention and the 1953 Protocol, at least in the view of the United States. In any event, it would

be for the plenipotentiary conference to decide on the matter.

The CHAIRMAN suggested that the matter should be left as it stood and that the various comments made should be duly included in the Commission's report and transmitted to the plenipotentiary conference.

It was so decided.

Local inquiries—article 14; amendment proposed by France (E/CN.7/542) and amendments proposed by the United States (E/4971/Add.1)

Mr. KIRCA (Turkey) said he had no reason to oppose the amendments proposed by France and the United States of America, since Turkey had ratified the 1953 Protocol, in which the principle of local investigation was laid down. With regard to the form, the French text was better in several respects, and should be more easily acceptable to the parties to the 1961 Convention. Firstly, it provided for a prior request for authorization, which did not confer upon the Board a supranational character it did not possess. Secondly, the French text did not speak of investigators, of a committee of inquiry or of an inquiry, but of representatives of the Board, a working party and a survey, which were more satisfactory expressions without, however, altering the substance in any way. Thirdly, the French amendment provided—very wisely, since that might make the investigation unnecessary—that the Board would not proceed with a local investigation without having first requested explanations from the Government concerned. Lastly, by providing that the survey could only take place “due account being taken of the constitutional, legal and administrative system of the State concerned”, it had the advantage of subordinating the procedure to an essential condition, which, once again, denied to the Board the supranational character which the United States text perhaps tended to give it.

Dr. MÅRTENS (Sweden) and Mr. GAVAZZONI SILVA (Brazil) associated themselves with the Turkish representative's remarks.

Mr. THOMPSON (Jamaica) said that, subject to the approval of other amendments, he could see that local investigations might prove necessary. It was possible that a country might itself ask the Board to carry out an investigation which might lead to proposals relating not only to the fight against the illicit traffic, but also to the solution of economic, agricultural, social protection and other problems. Since one of the amendments submitted concerned social protection, it would be advisable to draw the attention of the plenipotentiary conference to that aspect of local investigations.

He asked if the committee of inquiry which would be appointed by the Board would be composed solely of members of the Board or if it could include experts from outside the Board, and if the country concerned would have the right to object to any one of its members.

Mr. ABDEL RAZEK (Egypt) said that his Government had signed the 1953 Protocol and was thus in a similar situation to that of the Turkish Government.

Two cases could be visualized in which the Board might undertake local inquiries: first, when the country producing opium was suspected of violating the provisions of article 19, paragraph 1 (e) and (f) of the United States amendment relating respectively to the area to be cultivated and to the quantity of opium to be produced, and, secondly, when a country had become or was in danger of becoming a centre of illicit traffic. It was difficult to see how an investigator or a committee of inquiry would set about the task of determining whether a cultivated area, usually covering many thousands of hectares, fell within the limits permitted by the Board. Inquiries into illicit trafficking would be even more difficult, involving the mobilization of a large number of investigators at strategic points on the frontier.

It was even doubtful whether the amendments would be useful, since inquiries formed part of the powers conferred on the Board by the 1961 Convention, as indicated in paragraph 9 of the Board's report for 1970,¹ in which the Board stated that, in fulfilling its dual function of continuously watching the course of trade in narcotic drugs and of supervising the application of the treaty provisions by national administrations, it had various means at its disposal, including personal visits or formal missions to the countries concerned by members of the Board and its secretariat.

It was not sufficient for the amendments to provide for the express consent of the countries concerned. Some committees of inquiry that had been established in accordance with General Assembly resolutions had failed to carry out their mandates because the authorities concerned had not allowed them to enter the territories that were the subject of the inquiries. The proposed amendments would therefore be very difficult to apply.

Dr. DANNER (Federal Republic of Germany) said that his delegation supported both amendments. The French amendment seemed to be preferable with regard to the two points raised by preceding speakers.

Mr. MILLER (United States of America) was pleased to note the similarities between the French amendment and that of his own country. He was entirely in agreement with the reasons given by France in support of its amendment, and hoped that they would form the permanent basis for the work of the Commission and the conference. At the 694th meeting of the Commission, the United States representative had already exhorted the other States to submit their own suggestions for the improvement of the Single Convention, and was glad to note that his appeal had been heard. It would be for the plenipotentiary conference to prepare a text that would receive the largest possible number of positive votes.

In reply to the representative of Jamaica, he said that it was for the Board to decide, in accordance with

¹ United Nations publication, Sales No. E.71.XI.2 (E/INCB/9).

the powers already conferred upon it by the 1953 Protocol, whether it should call upon investigators from outside its own membership. It was evident that the country concerned could always oppose that step by refraining from giving its consent within four months.

Mr. OSMAN (Lebanon) explained that his delegation's standpoint on the draft amendments was not inspired by the fact that cannabis was illicitly produced in his country. Lebanon had invariably fulfilled its contractual obligations and would continue to do so. It had been one of the first countries to replace the cultivation of a noxious plant by useful crops.

His delegation regarded the proposed amendments as a means of strengthening the powers of the Board to such a marked degree as to be prejudicial to national sovereignty.

Mr. VAILLE (France) regretted the position taken up by the Lebanese delegation all the more as he had sought to draw up an amendment which, although realistic, could not be accused of prejudicing the sovereignty of States in any way. Eighteen years after the signing of the 1953 Protocol, he had realized that certain compromise solutions adopted at the time had now become inadequate.

His reply to the comments made by the Jamaican representative was on the same lines as that of the United States representative.

He pointed out to the representative of Egypt that the example he had given was valid for opium alone, whereas the Convention applied to all narcotic drugs.

There could be no doubt as to the practical value of local inquiries or surveys. It might happen that a Government took up a position that was apparently unjustifiable, but which could be explained in the context of that particular country. Measures of that kind would thus be in the interests of the country concerned.

While it was true, as the observer for the Netherlands had pointed out, that the economic and social aspects of the problem took precedence, the French amendment would at least have the merit of settling one aspect, even if it was one of a minor nature.

He hoped that the Lebanese Government would reconsider its position, and pointed out that the amendments could be further amended at the 1972 conference.

Mr. SAGOE (Ghana) said that his delegation had originally been attracted by the United States amendment, but it had then felt that the French amendment was more liberal and closer to the principles by which his country had always been guided.

Mr. NIKOLIĆ (Yugoslavia) said that the reason for which so many delegations approved the amendments was no doubt that they had acceded to the 1953 Protocol. Far from constituting a compromise, as the French representative imagined, that instrument had been imposed on the opium-producing countries, which had numbered 5 at the Conference, as against 15 non-producing States. When the 1961 Convention had been drawn up, the delegations which in 1953 had insisted

on the establishment of machinery for investigation, had been opposed to it. In the meantime, the number of opium-producing countries had risen considerably.

The safeguard which seemed implicit in the last sentence of the French amendment, namely the phrase "due account being taken of the constitutional, legal and administrative system of the State concerned", was illusory. It was self-evident that the country concerned would not agree to an inquiry that would disregard its own institutions.

In practice, when the Board might wish to appoint a committee of inquiry, the Government concerned would remain silent for the statutory four-month period, or would allow an inquiry to be conducted on its territory, provided that it was carried out in collaboration with some of its officials, who would be liable to handicap the inquiry through a strict observance of the country's constitutional, legal and administrative system.

To amend the Single Convention as proposed would be to take a step backward. No more than 52 States had acceded to the 1953 Protocol, whereas 79 had acceded to the 1961 Single Convention, which had been signed only ten years previously. It was to be feared that only the countries parties to the Protocol would agree to sign the revised Convention.

As far as local inquiries were concerned, he saw no substantive difference between the 1953 Protocol and the two amendments proposed.

Dr. BABAIAN (Union of Soviet Socialist Republics) considered that the Yugoslav representative had correctly traced the history of the adoption of the 1953 Protocol and the 1961 Convention. He said that the Soviet Union had always enforced stringent measures of control and that illicit trafficking was virtually unknown there; it would not, however, tolerate any infringement of national sovereignty. The amendment proposed by the United States would make the Board not merely a supranational body but give it police functions, and the French amendment did not seem to him to be very different.

He had the impression that the authors of the amendments were seeking to obtain approval for a proposal which had received few favourable votes in 1961, since 27 countries had voted against and 10 in favour, while 14 had abstained. In adopting it now, they would be taking not one but ten steps backwards.

The financial aspect of the problem had not been mentioned, and it might be asked who would contribute to the cost of local inquiries at a time when the Economic and Social Council was advocating economy.

His delegation was therefore unable to accept the amendments.

Mr. ALVAREZ CALDERÓN (Peru) said that, for the reasons indicated by the Yugoslav representative, local inquiries could yield only very questionable results. There had been convincing reasons for their non-retention in the 1961 Convention. The problems which it was hoped to elucidate through inquiries could easily

be solved through co-operation between States. The proposed amendments, therefore, did not correspond to any need.

Mr. CHAWLA (India) said that his recollections of the circumstances in which the 1953 Protocol and the Single Convention had been drawn up coincided with those of the representatives of Yugoslavia and the Soviet Union. As they had pointed out, the success of the Convention depended on the goodwill and co-operation of the parties. As States would be in a position to oppose inquiries by the Board, such inquiries were superfluous. Provision should be made for inquiries to be held only where a Government took the initiative of requesting the Board to conduct an inquiry in its territory; his delegation was therefore formally opposed to the doctrine that inquiries might be initiated by the Board.

Mr. MCCARTHY (Canada) said that international action should be strengthened and the necessary adjustments made without dwelling unduly on political considerations. The concept of national sovereignty raised delicate problems in many fields, but it was conceivable that the question of drug abuse would make it possible to approach it from a new angle.

Mr. VAILLE (France) wished to point out to the Yugoslav representative that the 1953 Protocol had in no way been imposed on the opium-producing countries and that the figures he had quoted were doubtful, since 41 countries had participated in drawing up that instrument.

The change of attitude on the part of certain delegations pointed to a welcome development of their thinking. The 1961 Conference had been characterized by arduous discussions which had not taken sufficient account of the collective interest. In 1971, one of the main manufacturing countries, the United States of America, was making a proposal which was truly based on the collective interest. The proposed amendments would, therefore, represent a step forward for the international community. So far as the expenses entailed by local inquiries were concerned, the widespread nature of the scourge to be combated should suffice to demonstrate that it would be better to invest funds now than to incur much heavier expenses in the future.

It was surprising that India, which had signed the 1953 Protocol, should reject the proposed amendments. Yet the French draft did not mention the word "inquiry". As for the Indian suggestion that provision should be made for an inquiry if the State concerned so requested, he would readily support it at the plenipotentiary conference if the French Government was in agreement.

Mr. CHAWLA (India) wished to make it clear that the French amendment was an improvement on the United States amendment, but that it was still much too vague. It was difficult to see, for example, how the members of a working party appointed by the Board would be chosen.

Mr. NIKOLIĆ (Yugoslavia) wished to point out to the French representative that the exact number of States that had participated in the drawing up of the 1953 Protocol was of little importance; in any case, the producing countries represented only a very small minority. As Chairman of the Drafting Committee in 1953, he recollected that article 11 of the Protocol, which dealt mainly with local inquiries, had been euphemistically entitled "Administrative measures".

He was surprised that neither the French nor the United States delegation, at the time of the preparation of the 1971 Convention on Psychotropic Substances, had proposed that it should contain a provision on local inquiries.

Mr. VAILLE (France) said that chapter IV of the 1953 Protocol was entitled "International supervision and enforcement measures" and that it contained three articles, namely, "Administrative measures", "Enforcement measures" and "Universal application". As for the 1971 Convention, his delegation saw no reason why, once it had been ratified by a sufficient number of States, it should not be amended in line with the Single Convention.

Mr. KIRCA (Turkey) said that the supporters and opponents of the amendments had had ample time to develop their arguments. It should not be forgotten that the Economic and Social Council had requested the Commission to comment on the substance of the amendments, not to dwell on political considerations which came within the competence of the plenipotentiary conference. For that reason, his delegation requested the closure of the debate.

The CHAIRMAN suggested that the debate on the subject should be closed.

It was so decided.

The meeting was adjourned at 5 p.m. and resumed at 5.15 p.m.

Estimates system—articles 12, 19 and 24 and new article 21 bis: amendment proposed by France (E/CN.7/542) and amendments proposed by the United States (E/4971/Add.1)

Mr. KIRCA (Turkey) said that the criticisms relating to the supranational character that it was proposed to confer on the Board were particularly pertinent with regard to those amendments. It would be recalled that under the terms of the 1953 Protocol, the estimates furnished by Governments could be amended by the Board only with the consent of the Governments concerned (article 8, para. 7). On the contrary the French and United States amendments proposed that estimates could be amended even without the consent of the Governments concerned. Among the institutions connected with the United Nations, it would be unusual for a body composed of persons acting in their personal capacity to have the power to modify the decisions of sovereign States. Moreover, even if that right were conferred on the Board, the question remained whether the Board would in practice be able to apply its

decisions without the consent of the State concerned, even if the provisions concerning the embargo came into force. If the international community had not succeeded in making a similar right respected in the case of the security Council, the chances of success were even smaller in the case of the Board. His delegation considered therefore that it would be better to rely on the moral pressure that the Board could bring to bear, and proposed that the system established under article 8 of the 1953 Protocol should be retained.

Moreover, the word "approve" contained in the amendments to article 12 was not very satisfactory, for only an entity placed hierarchically above Governments could "approve" their decisions. The word "confirm" used in the Single Convention seemed much more appropriate. The same observations applied to article 19, paragraph 1.

The new article 21 *bis* and the amendment to article 24, on the other hand, appeared to be satisfactory.

Mr. AGUILLON (Observer for the Philippines), speaking at the invitation of the Chairman, said that he too was concerned at the fact that, in the amendment to article 12 proposed by the United States, the consent of the Government concerned was not required when estimates were modified. He considered, moreover, that with regard to article 19, paragraph 3, when the Board modified estimates, it should give the reasons for the modifications.

Mr. STEWART (United Kingdom) recalled that the first estimates system dated back to 1925, when a scheme had been designed and proposed by the United Kingdom and United States delegations and had been rejected by a majority of States. The system which had entered into force under the 1925 Convention was thus a modified and truncated one. An expanded estimates system, fairly similar to that which had been proposed by the United Kingdom and United States delegations, had however been adopted at the time of the 1931 Convention. It gave the control board authority to revise estimates where they were manifestly higher than real needs. The international community had thus already recognized that such powers were necessary to wage an effective fight against the illicit traffic. But the proposed amendments in no way obliged the International Narcotics Control Board to abandon its present policy, based on persuasion, which had given good results in the past. His delegation was convinced that, if its powers were extended, the Board would not use them in an arbitrary or biased manner.

Certain countries did not favour those amendments because they feared that the Board would establish a system of quotas. If his delegation had the slightest fears in that regard it too would oppose the amendments, but it was convinced that the Board had no such ambition. Another criticism concerned the extension of the Board's powers to include opium. His delegation had nothing to say on that subject, since the United Kingdom had not ratified the 1953 Protocol and had no experience in that regard. It would therefore prefer to hear the comments of representatives of

States which had ratified that instrument. In any event, the proposed amendments deserved every consideration by the Commission and, subsequently, by the plenipotentiary conference.

Mr. CHAPMAN (Canada) said his delegation agreed with the principles on which the proposed amendments were based. The texts should be examined with the greatest attention, so as to ensure that their true implications were clearly understood. When the Commission drafted its comments for submission to the plenipotentiary conference it should take particular care to eliminate any clumsy drafting in the proposed amendments.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that the purpose of the amendments was none other than to make the Board a supranational body, and that there was a clear danger of an unacceptable violation of the sovereignty of States.

He wished to draw the attention of the Commission to the ambiguity of the word "requirements" used in the amendments, which could be interpreted in various ways. The specialized services in each country determined annual "requirements" in terms of different factors (such as development prospects, the number of hospital beds, forecasts concerning sickness, the number of doctors, etc.). That involved very detailed research by several institutes, the results of which were centralized by the Government. The present proposals were designed to give a very small number of persons the power to decide on the "requirements" of countries, when they would not have the necessary information and when, in any event, they could not know the situation of a given country as well as its national services did. Moreover, States could not be suspected of including in their forecasts quantities destined for the illicit market, nor of supplying traffickers.

Lastly, several delegations had affirmed that the Board would not make use of the powers that would be given to it; in that case, why give it such powers? If it did not use such powers, it was because they were not necessary.

Dr. EL HAKIM (Egypt) said that Governments had specialized services whose competence was beyond question and whose experience in the field, in their own countries, could not be equalled. On the other hand, it was clear that the proposed amendments were designed to impede the illicit traffic; it was unthinkable that Governments should include in their estimates amounts which they were intending to supply for the illicit market. Traffickers had their own sources and did not rely on Governments to supply them.

There was another subject which was of concern to his delegation: in the event of the Board deciding to revise the estimates submitted by a Government, to what authority could that Government appeal if it did not accept that revision? Revisions might be more acceptable if provision was made for a third party to act as arbitrator.

In the statement of reasons introducing the proposed amendments by France, it was said with regard to

article 12 that "the moment ... seems ripe" to empower the Board to modify estimates. His delegation, like the French delegation, considered that the moment was certainly ripe to take more effective action against the illicit traffic, but it felt that there were other means of persuading Governments to fulfil their obligations and to respect the recommendations of the Board.

Mrs. NOWICKA (Observer for Poland), speaking at the invitation of the Chairman, said that the estimates submitted by her country were established by highly competent authorities which had carefully analysed all the relevant elements. Those estimates related solely to the medical needs of the population, for in Poland the State was responsible for public health and there was no reason for estimates to be higher than real needs. If the Board had any doubts about the accuracy of the figures submitted, further explanations would be given immediately and any suggestions coming from the Board would be studied carefully. For those reasons, her delegation could not support the proposed amendments.

The meeting rose at 6.5 p.m.

[E/CN.7/SR.712]

SUMMARY RECORD OF THE SEVEN HUNDRED AND TWELFTH MEETING

held on Friday, 15 October 1971, at 9.10 a.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1 and Add.1/Corr.1; E/CN.7/540 and Add.1; E/CN.7/542; E/CN.7/543; E/CN.7/L.344 and Add.1)

Estimates system—articles 12, 19 and 24 and new article 21 bis: amendment proposed by France (E/CN.7/542) and amendments proposed by the United States (E/4971/Add.1) (conclusion)

Mr. NIKOLIĆ (Yugoslavia) said that his delegation fully supported the position taken by the USSR delegation (711th meeting) with respect to the proposed new article 21 *bis*. He found it quite unacceptable that the International Narcotics Control Board should be allowed to dictate to a country how many hectares of land it should devote to opium cultivation every year.

Mr. GAVAZZONI SILVA (Brazil) said that the position taken by the Egyptian representative (*ibid.*) was the closest to that of his own delegation. He could not accept the proposed amendments to articles 12 and 19, although he could agree to the proposed amendment to article 24 and to the proposed new article 21 *bis*.

Mr. VAILLE (France) said that his delegation was in agreement with the system proposed by the United

States in its amendments. He did not share the fears expressed by the Yugoslav representative, since he felt that any State which envisaged the licit production of opium should respect the spirit of the 1961 Single Convention on Narcotic Drugs.

Concerning the proposed amendment to article 12, he could accept the Turkish suggestion that the word "approve" should be replaced by the word "confirm", since the latter was a more flexible term. He also agreed with the Turkish representative that the Board should be empowered, or even required, to publish a Government's own estimates in cases where that Government found itself in disagreement with the Board.

Lastly, with respect to the observation made by the USSR representative concerning codeine estimates, he said that the Convention realistically provided for the submission of supplementary estimates when required.

Mr. CHAWLA (India) said that his Government had co-operated whole-heartedly in the international fight against drug abuse since before the First World War. It had ratified all international treaties and conventions on the subject and was prepared to accept any effective system of international control aimed at containing and reducing the illicit traffic. Some delegations had expressed the fear that the adoption of the proposed amendments would represent an interference with their national sovereignty. He personally, however, did not think that the Commission was a forum for the discussion of political matters, which were best left to the next plenipotentiary conference.

His delegation's objection to the proposed amendments was that they did not strike at the root of the problem, namely, the illicit production of opium and heroin. In particular, it did not understand how the establishment of a quantitative limitation on opium production for legitimate medical and scientific purposes could help to eliminate the illicit traffic. On the contrary, its first and most immediate result would be to create a shortage of the codeine which his country needed for medical purposes.

India was a country with long experience of the production of opium as an agricultural commodity. Referring to some of the conclusions reached by the Consultative Group on Opium Problems at its meeting in New Delhi in 1968, he said that the experts present had described in great detail the effects of climatic conditions, plant diseases and insect pests on the opium poppy. The hazards of opium poppy cultivation were so many and so unpredictable that it would be unrealistic to require Governments to submit estimates of their annual production in advance. During the past year, for example, his Government had planned to cultivate 50,000 hectares, but the farmers had, in fact, been able to cultivate only 40,000 hectares, with the result that the harvest had been insufficient to meet normal codeine requirements. In other years, on the other hand, smaller areas had been cultivated and had yielded bumper crops.

Lastly, he agreed with the Yugoslav representative that any amendment which would authorize the Board

to set estimates for a country without consulting it would be quite unacceptable.

Mr. ALVAREZ CALDERÓN (Peru) said he agreed that the Board should not set any estimates for a country without consulting it in advance. If it proposed to take any action with regard to a country's opium production, it should first engage in confidential negotiations with its Government. Like the United Kingdom representative (711th meeting), he thought that the best weapon the Board could employ was persuasion and, where that failed to achieve the desired results, an appeal to international public opinion, as was indicated in the Single Convention, thus fully discharging its responsibility.

Lastly, he said that he was prepared to support the amendment proposed by the United States to article 19 concerning the information to be supplied by parties.

Dr. SHIMOMURA (Japan) said that his delegation, while recognizing the need for stricter action to discourage the illicit traffic, feared that stricter control might make it more difficult to obtain narcotic drugs for legitimate medical and scientific purposes. His Government had to import approximately 70 tons of opium a year for such purposes, but for the last three years had been able to purchase only half of that quantity. The plenipotentiary conference, therefore, should carefully consider whether the adoption of the United States amendments might not unduly restrict the licit production and exportation of opium.

Dr. AZARAKHCH (Iran) said that in principle his delegation was in favour of increasing the authority of the Board to enable it to take more effective action to eliminate the illicit traffic at the source. He could not agree that such an increase in its authority would tend to impair the sovereignty of States, since the latter had voluntarily accepted certain obligations on becoming parties to the Convention.

The Board should, of course, always take into account the legitimate needs of countries for medical and scientific purposes. In his own country, for example, the total quantity of codeine produced in 1955 had been only about 20 kg, but with the expansion of the national health services, its annual codeine requirements would now be several hundred kilogrammes. He proposed that the texts of the United States and French amendments should be considered at the plenipotentiary conference.

Mr. INGERSOLL (United States of America) said that he was glad to note that the amendments to the Single Convention proposed by France (E/CN.7/542) also contained the principle suggested by his delegation that the Board should control the estimate system. The Single Convention at present authorized the Board to question estimates submitted by States under that Convention, just as the 1953 Protocol authorized it to question estimates submitted by States under that Protocol. By its discretion and common sense in using its present authority with respect to estimates, the Board had shown that it could be trusted to use additional authority wisely.

The proposed new article 21 *bis* was designed to ensure that States would have adequate supplies of narcotic drugs for medical and scientific purposes, while at the same time ensuring that any possible surpluses would not be made available for illicit purposes. That article would enable the Board to revise its estimates upwards as well as downwards; in that way, its provisions were expansive as well as restrictive. It was true that the proportion of opium produced for licit purposes in the world was declining, but at the same time the proportion produced for illicit purposes was increasing; his delegation, therefore, wished to enable the Board to monitor those trends and to adjust production accordingly.

His delegation considered that central supervision by the Board would be practical for the following reasons. First, only the Board had full information on world needs and production and on national and international patterns of illicit activity. Secondly, for many years, States had operated successfully and in good faith on the basis of the requirement that they should seek to adapt opium production to the estimate established for that production. Thirdly, article 19 of the Single Convention, like article 8 of the 1953 Protocol, provided the necessary flexibility to take unforeseen events into account by means of the submission of supplementary estimates. Fourthly, the Board had demonstrated over the years that it had the experience, discretion and common sense to exercise its powers wisely. It was composed of dedicated and expert men who were fully aware of the difficulties and uncertainties of opium production, and he was confident that it would not impose impossible tasks upon States seeking to carry out their obligations in good faith. Fifthly, he believed that any ambiguities that might exist in the text of the United States proposals could be resolved. It could be specified that the Board, in acting under article 21 *bis*, should take due account of the record of illicit activity within a country. It could also be specified that, in establishing a future estimate, the Board should take into account all the factors relating to an unintentional production of opium in excess of a current estimate. The Board would not penalize a State for unintended excess production that was put to legitimate medical and scientific uses.

He was grateful to the United Kingdom representative for having reminded the Commission (711th meeting) of the historical background to its present efforts. Since 1925, the United States Government had been trying to convince the world of the need to control the full cycle of narcotics activity from cultivation to consumption. He believed that States were now prepared to accept the idea that the Board should have the necessary authority to exercise that control. Some delegations feared that that might involve a relinquishment of national sovereignty, but under article 12, paragraph 3, of the 1961 Convention, the Board already had the power to establish estimates for States which did not do so themselves.

With respect to his delegation's amendment to article 12, he agreed with the Turkish representative that the

word "approve" should be replaced by the word "confirm".

He agreed in substance with the Egyptian representative's suggestion (*ibid.*) about the establishment of an appeals procedure.

Lastly, the Canadian representative had questioned the meaning of the words "consistent with the requirements of article 19" in his delegation's proposed amendment to article 12. Those words were intended to mean that the Board could not amend estimates for special stocks, as provided by article 19, paragraph 1 (*d*); that was, however, a technical matter which should be left to the plenipotentiary conference.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that he had been instructed by his Government to express support for the proposed new article 21 *bis* (E/4971/Add.1). With regard to the other proposed amendments, his country's position was similar to that of the USSR, for the excellent reasons given by that delegation.

Mr. OSMAN (Lebanon) said that his delegation opposed the United States amendment to article 12, which would enable the Board to modify an estimate without the consent of the State concerned. Success in the struggle against drug abuse and the illicit traffic would be achieved only through mutual confidence between States. Such an amendment would have the totally inadmissible implication that such powers might be needed to prevent a Government from submitting exaggerated estimates for the purpose of promoting the illicit traffic.

Mr. SAGOE (Ghana) said that for the reasons already given by the delegations of Egypt and the USSR, his delegation could support the idea of empowering the Board to modify a country's estimates only on condition that the Board obtained the consent of the State concerned before doing so.

His delegation had no objection to the proposed new article 21 *bis*. His country had no experience of opium cultivation, but shared the anxieties expressed by the representatives of Yugoslavia and India.

Mr. VAILLE (France) said that the experts in opium production from 22 countries who had participated in 1938 and 1939 in the preparatory work of the League of Nations' Advisory Committee on Traffic in Opium and other Dangerous Drugs had endeavoured to deal with the problem now being discussed. They had arrived at the conclusion that a system of estimates was necessary in respect of raw opium requirements and that an international control authority should be entrusted with the task of laying down production and export quotas for the various countries. They had also concluded that it was necessary for producing countries to undertake not to exceed a certain area of cultivation, and for importing countries to undertake to purchase the current year's output within that year and not to import raw opium in excess of their estimates. Lastly, buffer stocks were needed to offset variations in supply and demand.

Experience of the application of the 1925 and 1931 Conventions had demonstrated that the international control of estimates was not only useful but essential. To mention only his own country, the relevant statistics showed that opium production and exports had greatly exceeded the quantities needed for licit purposes without the Government even being aware of that fact. The introduction of an international control system had led to a reduction in licit production and hence in diversion into illicit channels. He would be grateful to the representative of the Board if he could supply the Commission with the appropriate world figures.

He agreed with those speakers who had drawn attention to the difficulty of making long-term forecasts with regard to agricultural production. The example of opium production provided a good illustration. At the Ankara Conference in 1949, the export quotas agreed for the various opium-producing countries had been as follows: Turkey 52.5 per cent, Iran 23 per cent, Yugoslavia 14 per cent, India 7 per cent and other producing countries 3.5 per cent. The figures given in the Board's recent estimates and statistics showed the change that had since taken place in the opium production situation.

Lastly, his delegation supported the Egyptian delegation's suggestion that provision should be made for an appeals procedure.

Mr. ASRAR HUSSAIN (Pakistan) said that his delegation would have difficulty in accepting amendments that would increase the Board's powers in dealing with government estimates, especially those relating to opium cultivation and opium production. In the statement of reasons in support of the French amendment to article 12, it was indicated that many Governments had in the past accepted the Board's unofficial advice with regard to estimates. In other words, there had been consultations between the Board and the Governments in establishing estimates under the existing provisions. The French statement of reasons went on to say that that practice should now be made official. The suggested amendments would not, however, simply make that practice official; they would give absolute power to the Board to modify estimates. His delegation therefore suggested that it would be better to incorporate in the relevant article of the Single Convention the procedure now followed for consultations on estimates between the Board and Governments. The matter, however, was extremely complicated with regard to opium estimates and needed further examination so that some formula acceptable to all countries could be evolved. The forthcoming plenipotentiary conference would probably be in a better position to undertake that task.

Mr. INGERSOLL (United States of America) said he fully agreed that the Board should take action with regard to estimates only after full and careful consultation with the States concerned. Clearly, the Board would engage in such consultations in any case, but it might be useful to make that requirement explicit. Governments would thus have the important assurance that any modification of the estimates would not affect the legitimate interests of States. He hoped that the

plenipotentiary conference would give careful consideration to that suggestion.

Mr. STEWART (United Kingdom) said the suggestion that the Board should be given absolute power to modify estimates had a long history behind it; the purpose had always been to impede the illicit traffic. It was on that understanding that his delegation had commented on that suggestion. He was therefore surprised by the United States representative's suggestion that the Board might use its powers to modify estimates upwards on the basis of its own forecast of licit requirements. His delegation had never envisaged that the Board might be empowered to impose a quota system; the Board, despite the admitted expertise of its members, could not have the omniscience that would be necessary to make such a forecast, bearing in mind that the estimates supplied to it were themselves mere forecasts.

Mr. INGERSOLL (United States of America) said that, in stating that the Board might in certain circumstances request a Government to produce more opium, he had never intended to suggest that the Board might be placed in the position of establishing a quota system. His delegation's amendments would enable the Board to obtain an over-all picture of world requirements, in the light of which it could, in the event of a shortage, request a State to grow more. There would, of course, be no obligation for the State to do so. Indeed, the proposed new article 21 *bis* made it clear that the obligation assumed by a State would be that of making an effort in good faith to see that production did not exceed the estimate established. It would be for the Government of the country concerned to take the decision on increasing production, on the basis of the Board's advice or recommendation.

Mr. DITTERT (International Narcotics Control Board), replying to the French representative, said that the effects of the implementation of the 1925 Convention on the licit manufacture of narcotics could be illustrated by the following figures. World licit manufacture of morphine had fallen from 55 tons in 1929 to 30 tons in 1931 without any shortage being recorded in the licit market. During the same period, the licit manufacture of heroin had fallen from 3,620 kg in 1929 to 1,200 kg in 1931.

Dr. BABAIAN (Union of Soviet Socialist Republics) asked whether the representative of the Board was in a position to make a statement on the trends revealed by the Board's figures.

Mr. VAILLE (France) said that, since the Secretary of the Board had given certain figures in response to his delegation's request, he would give some explanations on that point. The abrupt fall in morphine production from 55 tons in 1929 to 30 tons in 1931 had been brought about by the introduction of the international control system. There could be no doubt that, in 1929, 25 tons of morphine were being licitly produced in excess of licit requirements, and that those 25 tons were being diverted into the illicit traffic, without Governments being aware of the fact. The introduction of the estimates system had thus had an extraordinary

effect in reducing the illicit traffic. His own country's experience fully corroborated those conclusions.

With regard to the figures for heroin given by the Secretary of the Board, the explanation was the same. The international control which had been introduced over the licit traffic with the entry into force of the 1925 Convention had had the effect of drastically curbing the illicit traffic in that dangerous drug. The position had improved still further when the 1931 Convention had entered into force.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that he would still welcome some explanations from the representative of the Board, since that body had great experience in evaluating trends and in drawing conclusions from the data which it received.

Mr. STEINIG (International Narcotics Control Board) said that the figures for morphine manufacture mentioned by the French representative related to a time when the international control of morphine manufacture was in its initial stages. The period of unlimited legal manufacture of and trade in narcotic drugs was drawing to its close. The results of the full implementation of the 1925 and 1931 Conventions—which had come into force in 1928 and 1933 respectively—had proved highly satisfactory. A few figures concerning the main drug, morphine, well illustrated that fact and the trend that started in those years.

The minimum annual average of authorized morphine manufacture during the six-year period 1925-1930, calculated on the basis of rather incomplete data, amounted to 44.3 tons. The data were incomplete because at that time not all manufacturing countries had furnished complete statistics of morphine manufacture for the period in question.

The maximum legitimate world requirements of morphine for the same period of six years had been estimated by the Secretariat of the League of Nations at 29 tons per year. Thus, on the average, a minimum of 15.3 tons of morphine escaped each year from licensed factories into the illicit traffic, i.e. a minimum total for the six years of 92 tons.

During the five-year period 1931-1935, after the entry into force of the 1925 and 1931 Conventions, the average annual world manufacture of morphine was stabilized at the level of the legitimate world requirements, i.e. 29 tons. No shortage of morphine for medical and scientific needs was ever reported to the Permanent Central Opium Board, which began functioning in January 1929.

The figures for the authorized exports of morphine were also of interest. They amounted to 12.3 tons in 1920, and, decreasing progressively, they stood at 1.17 tons in 1937, equivalent to 9.5 per cent of the 1926 exports.

Embargo—article 14: amendment proposed by the United States (E/4971/Add.1)

The CHAIRMAN invited the Commission to consider the question of an embargo. The relevant proposal was

the United States amendment to article 14, paragraph 2 (the new paragraph 3).

Mr. VAILLE (France) said that his delegation had some reservations concerning the proposed appeal system, which would doubtless be discussed at the plenipotentiary conference in March 1972.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that the views of Governments on the question of a mandatory embargo had been clearly expressed at the 1961 Conference for the Adoption of a Single Convention on Narcotic Drugs. At that time, a text providing for such an embargo had been rejected by 41 votes to 3, with 3 abstentions.

Mr. THOMPSON (Jamaica) expressed astonishment that the proposal under consideration had been put forward. His delegation could envisage no circumstances under which the proposal could secure its support. Presumably, the embargo was to cover "certain or all drugs" in order to leave a loop-hole under which countries would be free to break the embargo for strategic reasons. He requested that a document indicating the cases in which Governments had failed to act on a recommendation by the Board should be submitted to the plenipotentiary conference.

Mr. NIKOLIĆ (Yugoslavia) said there was unlikely to be a swift and radical change of heart on the part of Governments concerning the proposal that the Board should be empowered to impose a mandatory embargo, which had been overwhelmingly rejected in 1961. Such a measure would be quite wrong, not only because it would place the Board in a very difficult situation but also because it would affect licit rather than illicit production and traffic.

Mr. ABDEL RAZEK (Egypt) said that the measure proposed violated the principle of the sovereignty of States and therefore lacked any basis in international law. The only supranational body authorized to impose sanctions on a country was the Security Council, and that organ had in fact shown itself reluctant to use that power. Even if the proposal, which raised innumerable legal, practical and political difficulties, was adopted, the question immediately arose as to what would happen if States refused to comply with an embargo which had been imposed.

Mr. GAVAZZONI SILVA (Brazil) said that his delegation agreed in principle that there was no need to change the present wording of article 14, paragraph 2, of the 1961 Convention. He noted that the word "require" in the proposed amendment had not been accurately rendered in the Spanish text.

Mr. SOTIROFF (Secretariat) said that a similar point had been made with regard to the French text. Since the translations had been done in New York, no corrigendum could be issued to the French and Spanish texts, but it had been suggested that the Commission should note the discrepancies in its report and that the matter should be settled at the 1972 plenipotentiary conference.

Mr. KANDEMIR (Turkey) pointed out that the Board's members acted in an individual capacity and

it could therefore not be supranational in character. In any case, it was clear that a decision by the Board to impose an embargo could never be carried out without the consent of the States concerned. It would therefore be better to take account of international realities and to maintain the present provisions, under which the Board was able to recommend rather than require certain action.

Dr. MÅRTENS (Sweden) said that his delegation believed that the imposition of a mandatory embargo was so serious a matter that it should be decided on by Governments and not by a body composed of members acting in an individual capacity. Moreover, it was doubtful whether such an embargo, if ever applied, could work very well in practice, and there were in any case no grounds for assuming that an embargo would become necessary because of bad faith on the part of any State. If, nevertheless it was thought desirable to provide for the possibility of such an embargo, the authority to impose it should be vested in the Commission rather than in the Board.

Mr. SAMSON (Observer for the Netherlands), speaking at the invitation of the Chairman, said that three problems arose in connexion with the amendment under discussion. Firstly, it seemed unlikely that the embargo could ever be effective unless every State Member of the United Nations became a party to the 1961 Convention. Secondly, all the narcotic drugs covered by that Convention, except cannabis, were of strategic value and an embargo on them might therefore endanger national safety in times of emergency. Thirdly, no State was likely to accept the responsibility of withholding drugs intended to maintain or restore health from the population of another State. A suggestion which he wished to advance in a personal capacity and which did not reflect any official position on the part of the Netherlands Government was that the Board might be given the right to bring to the attention of the International Court of Justice cases in which it had found, on the basis of solid and proven evidence, that a party to the Convention was not fulfilling its obligations.

Mr. STEWART (United Kingdom) said that his delegation shared the considerable concern and anxiety which had clearly been aroused by the very far-reaching proposal under discussion. The idea of an embargo had, it was true, been included in the 1931 Convention and the 1953 Protocol, but only with the addition of a number of precautions and qualifications, and the proposal now under consideration was far more radical than any provision previously agreed to. His delegation therefore looked forward to hearing a further statement by the United States representative on the reasons underlying the submission of that proposal, the situations in which the imposition of a mandatory embargo was envisaged and the extent to which, even if only on a balance of advantage, the proposed embargo would further the interests of the international community and help to protect the health of world populations.

Mr. BOUZAR (Observer for Algeria), speaking at the invitation of the Chairman, asked how emergency

needs for narcotic drugs would be met in the event of an embargo.

Mr. ALVAREZ CALDERÓN (Peru) said that his delegation shared the concern expressed by previous speakers concerning the proposed amendment.

Dr. BÖLCS (Hungary) said that the amendment under discussion must be considered together with other amendments proposed by the United States. An inter-ministerial committee set up by the Hungarian Government to consider the amendment of the 1961 Convention had come to the unanimous conclusion that the adoption of the proposed amendments relating to an embargo, access to information and the power to modify estimates would amount to a complete revision of the international control system set up under the Convention. That instrument had proved acceptable to far more States than had the 1953 Protocol, because it was the result of compromise; the proposal under consideration was no more acceptable now than it had been in 1961.

The adoption of the proposed amendment would run counter to the principles of international co-operation established by the Charter of the United Nations. Under that instrument, the right to impose sanctions against a Government was reserved to a single body—the Security Council—for use in exceptional circumstances involving the interests of mankind as a whole. While the illicit production of, and the traffic in, narcotic drugs was certainly a very serious problem, it could not be compared to the questions considered by the Security Council. The Hungarian delegation shared the view that the Commission's principal aim should be the harmonization and co-ordination of national measures for the prevention of drug abuse. The imposition of a mandatory embargo would not only violate the sovereignty of States but could also prove very dangerous from a medical point of view.

In answer to a point raised by the CHAIRMAN, Mr. DITTERT (International Narcotics Control Board) suggested that the statement made by Mr. Reuter on behalf of the Board at the 710th meeting should be circulated as a Commission document.

Mr. NIKOLIĆ (Yugoslavia) and Mr. VAILLE (France) supported that suggestion.

The suggestion was adopted.

Mr. SAGOE (Ghana) said his delegation was not convinced that the proposal to empower the Board with authority to impose a mandatory embargo was practicable. It would reserve its position on the matter.

Mr. CHAWLA (India) said that his delegation shared the views of those delegations which did not see the need to give the Board exceptional powers. It seemed inappropriate to include in the Single Convention a provision that had the effect of replacing international co-operation by compulsory measures.

Like the United Kingdom representative, he would like to receive either from the Board or the United States delegation more information on the manner in which the proposed new provision might be used. The

Single Convention already contained a provision empowering the Board to recommend an embargo, but it had never been used. It was therefore not clear to him why it had now become necessary to introduce a provision that gave the Board greater powers.

Mr. INGERSOLL (United States of America) said that his Government, when submitting its amendment to article 14 of the Single Convention to provide for a mandatory drug embargo, was well aware that an embargo raised a very difficult question for many Governments and that even those Governments which supported it did so with some reluctance. It was also aware of the fate suffered by a similar proposal when the text of the Single Convention itself had been discussed, having at that time been in the minority of Governments which had then voted for a provision that would give the Board power to impose a mandatory embargo. Indeed, it had not submitted its proposal for such an embargo without very careful consideration. It believed that the nature of the drug trafficking had radically changed during the past 10 years and that the position was now so serious that a powerful sanction had become vitally important.

The States which had become parties to the Single Convention had done so not only to assure themselves of an adequate supply of drugs for medical and scientific purposes but also to protect their societies against drug abuse. They should, therefore, through the Board as their control instrument, be able, when necessary, to isolate a source of the contagion which could not be dealt with by less drastic means. Under article 21, paragraph 4, of the Single Convention, the Board was already empowered to require parties to stop exports to countries which had exceeded their estimates. That was a form of mandatory embargo. His delegation's present proposal was that the Board should be empowered to impose a more extensive mandatory embargo in cases of flagrant violation of the Convention. It was true, of course, as the French representative had often pointed out, that Governments themselves were not always fully aware of the dimensions of illicit trade taking place in their territory, but an embargo would be effective in cases where illicit trade was passing as legitimate trade. A State which was in danger of becoming a centre of the illicit traffic could help the international community to prevent the spread of drug abuse. Extreme instances of irresponsibility towards international conventions did have a bearing on international matters of great importance. In that connexion, he reminded the Commission of the provisions of the Preamble and of Articles 1, 55 and 56 of the Charter which dealt with United Nations responsibility for international health and welfare and social progress.

His delegation had been critical of the Board for having failed to use its existing power when situations had arisen that called for firm action. The reason for the Board's reluctance was probably that its powers were limited; no administrative body, in practice, used the strongest powers at its disposal. His delegation believed that, if the Board had the power to impose an embargo, which it would no doubt use with the same

restraint as it had displayed in the case of its current recommendatory power, it would gain substantially in prestige and probably find that greater attention was paid to its recommendations.

His delegation had specifically used the expression "certain or all drugs" so as to give the Board adequate flexibility and to enable it to shape the tool according to the problem to be dealt with, thus preventing unnecessary difficulties being caused for any given country. It was inappropriate to imply that so-called "strategic" questions were involved in the humanitarian question of drug control.

He doubted whether anyone would challenge the statement that the United States had an exemplary record with regard to the international consequences of its drug manufacture or export. Acting alone, however, it could not be successful, and like all other countries, it needed the assistance of the international community. He wished to make it quite plain that the United States was fully prepared to accept an embargo on any substances which it itself produced or exported if they caused trouble elsewhere.

In his view, an embargo imposed by the Board would be invaluable if it had the effect of improving the prevention of drug diversion in any given country.

He wished to reassure the Commission that there was no question of intruding into the sphere of competence of the Security Council. There seemed to be some confusion between political action taken by the Security Council under the Charter in situations relating to international peace and security, and the decisions that might be taken under the Single Convention in cases where the parties determined that the provisions of the Convention were being violated. In the latter cases, the Convention would operate only with respect to substances which the parties had agreed to regulate and there would be no encroachment whatsoever upon the functions of the Security Council. It was appropriate for the parties to agree to vest strong regulatory powers in a respected international body, with regard to a treaty like the Single Convention, which sought to protect—as its preamble stated—the "health and welfare of mankind".

The observers for Algeria and the Netherlands had referred to the need to ensure that sufficient supplies of drugs were available for emergency and humanitarian needs. He assured the Commission that the United States had no intention of denying drugs to those who needed them to maintain or restore their health. But there were so many cases of the use of drugs leading to the degradation of health that it had become necessary to recommend a powerful sanction. His delegation would welcome any suggestion for ensuring that medicines would reach those who needed them, regardless of the imposition of an embargo on account of illicit activity. Perhaps, the solution to that problem might be found in article 21, paragraph 4 (b) (ii) of the Single Convention. In conclusion, he emphasized that his delegation's proposal would merely provide in the Single Convention for a power which the Board already had

under the 1953 Protocol and that that power would be used only in the most serious emergency, when all other avenues had been explored. He regretted that it had become necessary to recommend such a drastic solution, but it was vital to prevent the further spread of drug abuse.

The meeting rose at 12.20 p.m.

[E/CN.7/SR.713]

SUMMARY RECORD OF THE SEVEN HUNDRED AND THIRTEENTH MEETING

held on Friday, 15 October 1971 at 2.30 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 (agenda item 10) (*continued*) (E/4971 and Add.1 and Add.1/Corr.1; E/CN.7/540 and Add.1; E/CN.7/542 and 543; E/CN.7/L.344 and Add.1)

Treatment of addicts—articles 36 and 38: amendments proposed by Sweden (E/CN.7/540)

Dr. MÅRTENS (Sweden) recalled that during the Commission's first special session, his delegation had proposed the inclusion in the draft Convention on Psychotropic Substances of provisions on the treatment of addicts, which the previous instruments, in particular the 1961 Convention, did not cover, basing its argument on the fact that such provisions would be more consistent with the up-to-date image of that type of offender. Whatever the circumstances which had made addicts of them, it was in fact preferable to treat, rehabilitate and re-integrate them in society. The 1961 Convention had frequently been quoted as a model at the 1971 Vienna Conference, but many delegations had also criticized its weaknesses, and in particular the penal provisions it contained. It was important, therefore, to bring the two Conventions of 1961 and 1971 into line, to avoid, in particular, the injustices which would arise from their simultaneous application in one country, depending upon whether an addict had infringed the one or the other. Moreover, nothing would prevent a country from applying in addition the penalties provided by its own legislation, as laid down in both the 1961 and the 1971 Conventions.

The text of the proposed amendments reproduced, almost word for word, *mutatis mutandis*, articles 22 and 20 of the 1971 Convention on Psychotropic Substances.

Dr. AZARAKHCH (Iran), Dr. ALAN (Turkey), Mr. MCCARTHY (Canada), Mr. THOMPSON (Jamaica), Mr. SAGOE (Ghana) and Mr. CHAWLA (India) supported the amendments proposed by Sweden.

Mr. INGERSOLL (United States of America) said that he too was in favour of the Swedish amendments, which provided an excellent example of how the 1961

Convention could be improved, and which flowed logically from the preamble to that Convention, in which the parties declare themselves "concerned with the health and welfare of mankind". The amendments brought the 1961 Convention into line with the present trend, which was to consider the drug problem as a whole.

Mr. VAILLE (France) also supported the amendments proposed by Sweden. They matched the thinking of the French Ministry of Public Health, which had secured the passage through Parliament of the law of 31 December 1970, under the first article of which any person illicitly using substances or plants classified as narcotics was placed under the supervision of the health authorities. However, since the provisions of the Single Convention were all measures against the abuse of narcotic drugs, it would be advisable to replace the title proposed by the Swedish delegation for article 38, "Measures against the abuse of narcotic drugs", by the title "Prevention and treatment of addiction".

Mr. STEWART (United Kingdom) was prepared to approve the amendments proposed by Sweden, since the United Kingdom had signed the 1971 Convention, but asked whether there would not be some incompatibility between the re-worded articles 36 and 38 and article 33 of the Convention, which categorically condemned the possession of drugs.

Mr. ALVAREZ CALDERÓN (Peru) said that he too might be able to support the Swedish amendments, but subject to a reservation. The text of penal law must be of a deterrent nature; the Swedish amendments might, however, make it possible for addict offenders to escape punishment. It would thus be advisable to seek a formula providing for both special treatment and for unavoidable penalties.

Dr. MÅRTENS (Sweden) said in reply that article 39 of the 1961 Convention authorized any country to apply stricter measures than those required by the Convention and that under article 22 of the 1971 Convention, medical treatment could be associated with punishment, the domestic legislation of a party always remaining applicable.

Mr. OSMAN (Lebanon) said that, while he supported the amendments proposed by Sweden, he thought a distinction should be made between narcotic drugs which induced physical or psychological dependence and others. Since cannabis induced no dependence, it was unnecessary to subject those who used it to medical treatment. Consequently, he proposed that the words "which induce physical or psychic dependence" should be added after the words "abusers of narcotic drugs" in the amendment proposed to article 36.

The CHAIRMAN expressed astonishment at the statement made by the Lebanese representative, since the Commission had very clearly reaffirmed the danger inherent in cannabis and the need to keep it under control.

Dr. MÅRTENS (Sweden) reminded the Commission that the type of dependence which cannabis induced had

been analysed by the WHO Expert Committee on Drug Dependence.

Mr. OSMAN (Lebanon) said he was not claiming that cannabis was harmless, but maintained that some narcotic drugs, including cannabis and some others, did not induce dependence, that their users were not sick people and that the use of cannabis should not be encouraged by practically offering free hospital treatment to offenders.

Dr. EL HAKIM (Egypt) said he would be prepared to agree to a certain extent with the Lebanese representative, since the distinction between addiction and dependence was not clear. However, any country was free to apply, according to the circumstances, stricter measures than those required by the Convention.

Mr. GAVAZZONI SILVA (Brazil), while reserving the final decision of his Government until the meeting of the plenipotentiary conference, thought that he could support the Swedish amendments. He could not share the opinion of the Lebanese representative.

Mr. VAILLE (France) recognized, like the Lebanese representative, that cannabis did not produce physical dependence. However, the whole range of disturbances and psychiatric states associated with its use were either linked with it—acute and sub-acute disturbances, residual psychoses, deterioration of the personality—or were brought on or aggravated by it. The truly mentally sick who took to cannabis must thus not be excluded from the possibility of treatment which the Swedish draft amendments offered. Moreover, it would not be advisable, through the introduction of a distinction in a clause of a penal character, to hamper the judge's action by obliging him to obtain expert opinion.

Extradition—article 36: amendment proposed by the United States (E/4971/Add.1)

Mr. VAILLE (France) supported the United States amendment, which would replace article 36, paragraph 2, sub-paragraph (b), of the 1961 Convention by provisions identical with those in article 8 of the Convention to Suppress Unlawful Seizure of Aircraft. The latter was similar, in principle, to article 9 of the 1936 Convention, which, excluding its other provisions, France had wanted to keep in force when the 1961 Single Convention had become applicable.

Mr. NIKOLIĆ (Yugoslavia), Mr. GAVAZZONI SILVA (Brazil), Mrs. ABOU-STEIT (Egypt), Mr. PAIEWONSKY (Dominican Republic), Dr. DANNER (Federal Republic of Germany), Mr. OSMAN (Lebanon) and Dr. SHIMOMURA (Japan) said they had no difficulty in accepting the principle underlying the United States amendment.

Mr. MCCARTHY (Canada) said he was strongly opposed to the proposed amendment. The amendment was, in fact, related to paragraph 1 of article 36, which was very wide in scope, covering not only many specific offences but also "any other action which in the opinion of [the Parties] may be contrary to the provisions of this Convention" and which invited the parties to adopt legislative measures "subject to [their] constitutional

limitations". Article 36 was thus not a penal provision at all, but rather a general reference for the measures of suppression that should be taken. The proposed amendment tended to give it the character of a firm obligation which would have direct effects on the freedom of the individual, by declaring not that it would be desirable for the offences mentioned in paragraph 1 to be considered as extraditable offences under extradition treaties, but that such offences "shall be deemed to be included as an extraditable offence" in such treaties. Such a provision could not be applied to undefined offences, and article 36 did not therefore lend itself to the modification proposed, which was designed to make extradition mandatory. Extradition was a measure in respect of which the conditions must be clearly defined.

On the other hand, Canada had always wanted the text of the Single Convention to retain some flexibility in regard to the penalties applicable to the possession of narcotic drugs, since it was firmly convinced that legal penalties were not always the best remedy in regard to the complex problems of drugs. Canada had recently concluded an extradition treaty with the United States of America under which possession of narcotic drugs had been explicitly excluded from the offences; the proposed amendment would therefore be in direct contradiction with that treaty. For all those reasons, Canada could not subscribe to the amendment.

Mr. STEWART (United Kingdom) said that the proposed amendment modified the provisions of article 36 very appreciably and gave rise to some difficulties for his Government. In the first place, the amendment made no provision for the exclusion of trivial offences, in which connexion he invited the attention of the United States delegation to paragraph 4 of article 9 of the 1936 Convention. As the United Kingdom Government had not ratified that Convention, he could not properly cite any particular provision as an ideal precedent, and in any case the recently adopted Misuse of Drugs Act, 1971, made any offence against it extraditable. Secondly, the illicit import and export of narcotic drugs were considered in the United Kingdom as violations of fiscal law. The same was true in several other European countries whose Governments might experience the same difficulty as his own in that respect. However, the United Kingdom Government did not claim that those were insurmountable obstacles, and it would be prepared to reconsider its position if a majority in favour of the amendment should emerge at the plenipotentiary conference.

Further, the amendment contained a provision, taken from the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, which made it possible for a party which made extradition conditional on the existence of a treaty to consider the Single Convention as the legal basis for extradition, if it received a request for extradition from another party with which it had no extradition treaty. That provision had been included in the 1970 Convention to ensure that the hijacker of an aircraft would not escape being brought to justice by taking refuge in another country. The United King-

dom Government had agreed that provision, making it clear that such an agreement represented a wholly exceptional departure from normal extradition practice. However alarming the problem of drug abuse might be, it could hardly be compared with the dangers to which the unlawful seizure of aircraft subjected innocent victims. It was necessary to make it clear that the United Kingdom would be most unlikely to take up the option under the revised paragraph 2 (b) (ii) of article 36 if it were adopted by the plenipotentiary conference.

Finally, the amendment seemed to have the effect of removing from article 36 the provisions at present contained in paragraph 2 (a) (ii) concerning conspiracy or attempts to commit offences. That was a matter to which the plenipotentiary conference would need to give attention. In preparation for that conference, his Government undertook to review its position in the light of the comments offered by the Commission, and he hoped that the United States delegation would show its usual flexibility of response to the observations now being recorded.

Dr. MÅRTENS (Sweden) thought that the provisions of article 36 should be strengthened, drawing upon the Convention for the Suppression of Unlawful Seizure of Aircraft, to which his Government had adhered, as a basis. He pointed out that the proposed amendment would not make all offences extraditable. In fact article 36, paragraph 2 (b), in the proposed draft, remained subject to the opening clause of the paragraph, namely "Subject to the constitutional limitations of a Party, its legal system and domestic law". Consequently, he supported the amendment.

Mr. KANDEMIR (Turkey), Mr. SAGOE (Ghana) and Mr. ALVAREZ CALDERÓN (Peru) said that their Governments were continuing to study the proposed amendment and that they reserved their position.

Mr. INGERSOLL (United States of America) thought it clear that members of the Commission seemed to understand both the grounds and the motives for his proposal. If adopted, the United States amendment would enable States parties to the Convention to speed up extradition procedures considerably. It would be of particular assistance to States which could extradite individuals for drug offences only if they had extradition agreements with the countries concerned that included drug offences. Those countries would become able to extradite on the basis of the revised article 36 and existing bilateral extradition treaties, without having first specifically to amend each treaty. Depending upon national constitutional practices and the general reservation appearing at the beginning of article 36, paragraph 2, that amendment would also facilitate extradition between States which did not at present have a bilateral extradition treaty. That general reservation would make it possible for a State to refuse extradition for an offence which it considered insufficiently serious. It should further be noted that the amendment did not affect safeguards that already existed in bilateral extradition treaties, which might stipulate, for example, that a State would not extradite its own nationals or that it would have the right to decide whether it could grant asylum

to an offender. The wording of the proposed amendment had been accepted in another context and had been the result of long consultations. The United States delegation was, however, open to any suggestions for improving it, and such suggestions could be considered at the plenipotentiary conference.

Mr. McCARTHY (Canada) pointed out that the only option open to a party hinged on the existence of an offence; once the latter was recognized, extradition followed automatically.

Coca leaf—article 27: amendment proposed by Peru (E/CN.7/543)

Mr. VAILLE (France) said that he had some difficulties with the Peruvian amendment, for there seemed to be some confusion between the fight against illicit traffic and the control of licit trade. The explicit purpose of the International Narcotics Control Board was to prevent the creation of unduly large stocks, even licit stocks, so that the provisions of the Single Convention should be adequate to meet the concern of the amendment's sponsors.

To prepare coca extracts for use as a flavouring agent, it was necessary first to extract the alkaloids from coca leaves, as required by article 27, paragraph 1. The amendment would oblige Governments which imported coca leaves for the preparation of flavouring agents to extract the alkaloids only for the needs of their domestic consumption. That meant that imports might be in excess of requirements, which would be incompatible with the provisions of article 27, paragraph 1. The new provision might therefore favour the illicit traffic, to the extent that the manufacturers of the flavouring agents would create stocks of alkaloids. For that reason, the French delegation could not accept the proposed amendment.

Mr. INGERSOLL (United States of America) welcomed the initiative taken by Peru to improve the Single Convention. His Government was aware of the problem of illicit traffic in cocaine which suggested that some form of improved international control over coca leaves might be desirable. The United States delegation would not take a position now on the substance of the Peruvian proposal, but believed that the question of adequate controls respecting the coca leaf should be carefully studied.

Mr. ALVAREZ CALDERÓN (Peru), referring to the French representative's comments, said that the technical problem mentioned by that representative could be overcome by revising the text of the Peruvian amendment in such a way as to prohibit the production of alkaloids for export.

Dr. MÅRTENS (Sweden) welcomed the initiative taken by Peru with a view to restricting the opportunities of alkaloid extraction. The Commission should welcome the amendment, even though coca leaf alkaloids were being used less and less, even in medicine.

Mr. VAILLE (France) stressed the fact that, as at present drafted, the amendment would result in limiting

the manufacture of flavouring agents to actual requirements. As the Swedish representative had remarked, the appearance of synthetic substances had reduced the requirements of cocaine, but cocaine was still used throughout the world. It would be interesting to know whether the Board had observed surpluses of licit stocks and if it considered that they might encourage illicit traffic and the abuse of cocaine.

To meet the concern of the sponsors of the amendment, a provision might be added to article 27, paragraph 1, stipulating that surpluses of alkaloids, such as cocaine, should be destroyed.

Mr. SAGOE (Ghana) said that his delegation had not fully understood the motives for the amendment; it wished to study it more thoroughly before taking a decision.

Mr. DITTERT (International Narcotics Control Board) reminded the Commission that diversion from the licit trade into the illicit traffic in narcotic drugs was very small. In reply to the French representative, he said that there were no surpluses in the licit manufacture of cocaine. If there should be, the relevant provisions of the Single Convention would apply; the effect would be the deduction of the amount of such surpluses from the quantities to be manufactured in the following years.

Mr. ALVAREZ CALDERÓN (Peru) repeated for the benefit of the representative of Ghana what he had said on introducing the Peruvian amendment and explained that its object was to prevent the production of alkaloids beyond the extent required to meet the domestic needs of each country importing coca leaf, and thus to avoid the creation of a potential source of illicit traffic in drugs.

The CHAIRMAN was pleased to note that the Commission had lost no time in its consideration of agenda item 10. The arguments advanced during the discussion could be divided into three categories. First, the legal arguments, which had borne essentially on national sovereignty and its corollaries, domestic law and constitutional practice. Secondly, the arguments relating to the expediency of revising the Single Convention, only a few years after its entry into force; some representatives had even gone so far as to consider it as an unalterable text which should serve as an instrument of reference. Thirdly, the arguments which brought out the practical difficulties of applying this or that measure envisaged in the proposed amendments; some had questioned whether it was worth while to introduce amendments which had little chance of being put into application.

Faithful to the terms of reference the Economic and Social Council had conferred upon it, the Commission had confined itself to studying the amendments and to commenting upon them. As the United States representative had explained at length, the aim was to obtain the greatest possible benefit from the Convention by introducing the necessary improvements into it. Without doubt, the measures taken at the national level were important, but it would be better, in so far as possible, to strengthen the existing conventional provisions. It

was in that spirit that the sponsors of the amendments had submitted their proposals, and it should be remembered that an international legal instrument could never be perfect, particularly in an area subject to such rapid development as that of drugs. Nowadays, all States without exception should feel themselves involved. For the first time, a very contagious epidemic, which was not being spread by microbes, but by the mass information media, was threatening the world. No State, no matter what its political system or economic situation, had the right to remain aloof.

Mr. CASTRO y CASTRO (Mexico) reminded the Commission that his delegation had already expressed its views during the general debate. It had then abstained from participating in certain controversial discussions because of the Commission's limited terms of reference. It hoped that the plenipotentiary conference would display the same constructive spirit which had guided the Commission's discussions.

The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

DRAFT RESOLUTION SUBMITTED BY 14 DELEGATIONS
(E/CN.7/L.344 and Add.1)

Mr. INGERSOLL (United States of America) thought that there was little to say on the draft resolution, as it was clearly worded and the number of its sponsors showed that it could command wide support. It would indicate to the plenipotentiary conference the general attitude of the Commission with regard to amendments to the Single Convention. No reference was made to the substance of the amendments.

Mr. STEWART (United Kingdom) said that his delegation had had the greatest satisfaction in associating itself with the sponsors of the draft resolution, and hoped that it would meet with the approval of the Commission.

Mr. MCCARTHY (Canada) said that the position taken by the United States delegation on the amendments to be made to the Single Convention had originally seemed a little too categorical to his delegation; however, as the discussions progressed, his delegation had realized that it was necessary to amend the Convention on the lines advocated by the United States. It was true that ten years was not, as a rule, a long enough period in which to judge a treaty, but the years 1961 to 1971 had been a period of exceptional economic and social development and radical changes had taken place, particularly in the way of life and values of young people in the Western countries. The emergence of a climate of uncertainty had led to a considerable increase in drug abuse. While the Single Convention had of course not been wholly successful in curbing that trend, it could not be held responsible for developments which had been difficult to foresee. A serious reconsideration of the Convention would be in keeping with the concern felt in every country, and his delegation therefore hoped that the Commission would adopt the draft resolution, which took all those facts into account.

Mr. VAILLE (France) proposed that the words "of States invited to the conference" should be inserted in paragraph 2 after the words "that Governments".

Mr. NIKOLIĆ (Yugoslavia) had some reservations with regard to the substance of the draft resolution, although it had been submitted by 14 delegations, which would indicate that it had the approval of the majority of Commission members.

With regard to the second preambular paragraph, it was not at all clear to him that "the experience with the operation of the Convention of 1961 provides a basis for review of its provisions for the purpose of ... strengthening the Convention". Members of the Commission might refer in that connexion to paragraph 25 of the Board's report on its work in 1970,¹ which did not confirm that statement at all.

With respect to the fourth preambular paragraph, he pointed out that the need "strictly to limit the use of narcotic drugs exclusively for medical and scientific purposes" was nothing new; that affirmation was one of the basic principles of the Single Convention (the eighth preambular paragraph of the Convention), and could not be invoked to justify its amendment.

The term "Welcomes" in operative paragraph 1 did not appear appropriate; it was not for the Commission to "welcome" the decisions of the Economic and Social Council in any way whatsoever. Furthermore, operative paragraph 2 seemed superfluous.

Dr. BABAIAN (Union of Soviet Socialist Republics) had serious reservations with regard to the draft resolution, whose purpose and *raison d'être* were not clear to him, and which was open to several criticisms.

First of all, the term "Noting", which appeared in the first preambular paragraph, was inappropriate for a subsidiary organ to use in speaking of an Economic and Social Council resolution, and should be replaced, for instance, by the words "Having regard to".

Mention was made in the second preambular paragraph of "experience" with the operation of the Single Convention. However, as the International Narcotics Control Board and the Economic and Social Council had not yet had recourse to all the means which the Single Convention put at their disposal, the experience obtained was very incomplete and could not be regarded as at all conclusive. The paragraph should be reworded in a more moderate fashion at least, and in particular, the term "the review of some of its provisions" should be used in preference to "the review of its provisions".

The wording of the third preambular paragraph was ambiguous, and might be construed as meaning that the Single Convention was responsible for the deterioration of the situation during the past decade, which was certainly not the sponsors' intention. It was generally agreed that the Convention had been very well-conceived and could not be held responsible for the unfavourable development of the narcotic drugs situation.

Like the representative of Yugoslavia, he considered that the phrase "bearing in mind ... for medical and

¹ United Nations publication, Sales No. E.71.XI.2 (E/INCB/9).

scientific purposes" in the fourth preambular paragraph was superfluous, since the limitation of the use of narcotic drugs to medical and scientific purposes was the basis of the 1961 Convention. He also felt that the word "*Welcomes*" in operative paragraph 1 was not a happy choice.

He recalled that the United States representative had stated that the draft resolution would not mention the substance of the amendments but merely the fact that amendments were envisaged. However, in operative paragraph 2, mention was made of "ways and means to increase the possibilities of action by the international ... organs"; that was tantamount to taking up a substantive position on the amendments, and was unacceptable to his delegation.

Mr. THOMPSON (Jamaica) said that his delegation would support the draft resolution as a whole, in principle, although it had reservations on certain points. He would like to know, however, if paragraph 2, which recommended that Governments should study the amendments, also related to the Commission's comments on those amendments.

Mr. CHAWLA (India) thought that the draft resolution should secure the general assent of the Commission, because it reflected the general trend of the debate.

As a fundamental distinction could no longer be maintained between abuse of narcotic drugs and abuse of psychotropic substances, particularly in view of the development of multiple drug addiction, his delegation wished to suggest some modifications to the draft resolution. To begin with, in the second preambular paragraph, the words "and the negotiations relating to the 1971 Convention" should be added after the words "with the operation of the Convention of 1961".

He further suggested that the phrase "inasmuch as that abuse is closely associated with the growing danger represented by the increasingly rapid spread of the abuse of psychotropic substances" should be added at the end of the third preambular paragraph.

With regard to the operative part of the draft resolution, paragraphs 2 and 3 might usefully be inverted in the interests of logic.

Finally, in order to eliminate any possibility of confusion and in the light of what he had just said, paragraph 2 (which would become paragraph 3) could be amended by deleting the rest of the sentence after the words "give urgent consideration to" and replacing it by the words "all proposals made on the subject".

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) thought that the report of the Commission would be useful to the plenipotentiary conference and suggested that it should be referred to in operative paragraph 4, together with the text of the resolution and the records of the Commission's proceedings.

Mr. VAILLE (France) also considered that the Secretary-General should be requested to transmit the report of the Commission to the plenipotentiary conference. He endorsed the suggestion made by the

representative of the Soviet Union that the term "*Noting*" in the first preambular paragraph should be replaced by the term "*Having regard to*". He was also of the opinion that the words "review of its provisions" in the second preambular paragraph should be replaced by the words "review of some of its provisions".

In operative paragraph 1, the word "*Welcomes*" was hardly satisfactory, but it was possibly the least objectionable solution for the time being. Another delegation might be able to find a better formula.

Despite the well-founded objections made by the representative of the Soviet Union to operative paragraph 2, it should be remembered that the paragraph reflected the viewpoint of the majority of Commission members, and that most of the delegations were in favour of strengthening the powers of the international organs.

Lastly, the Indian representative had made some interesting suggestions. For the sake of clarity, it would be preferable to consider each proposed amendment paragraph by paragraph.

Mr. ABDEL RAZEK (Egypt) said that his delegation was not in favour of the idea of submitting a draft resolution which would not be unanimously approved, although the delegations who were not in favour of the amendments had taken part freely in the discussion. It was clearly in the interests of all those present to submit a text representing a consensus to the plenipotentiary conference, and his delegation therefore proposed that the draft resolution should be amended. In order to satisfy delegations which felt that there was no reason to amend the 1961 Convention, the end of the second preambular paragraph from the words "and that the experience ..." could be deleted.

As for the sound objection raised by the Yugoslav representative to the word "*Welcomes*" in operative paragraph 1, the difficulty could be by-passed by deleting operative paragraph 1 and adding the words "which is to be held" after the words "in advance of the plenipotentiary conference" in operative paragraph 3.

Mr. NIKOLIĆ (Yugoslavia) pointed out, with respect to the second preambular paragraph, that some countries and even some of the sponsors of the draft had not acceded to the 1961 Convention, which was the only treaty on narcotic drugs mentioned. It might be advisable to refer to the 1953 Protocol as well.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that the first preambular paragraph duplicated operative paragraph 1. He therefore suggested that the former should be deleted and that operative paragraph 1 should be reworded as follows: "*Notes that, pursuant to Economic and Social Council resolution 1577 (L), a plenipotentiary conference will be held in March 1972 to consider proposals for the amendment of the Single Convention on Narcotic Drugs, 1961*".

He endorsed the suggestion that the term "the review of some of its provisions" should be used in the

second preambular paragraph, and the proposal that the report of the Commission be mentioned in operative paragraph 4.

Lastly, with regard to the proposal made by the representative of India, it might be preferable to leave the operative paragraphs in their present order, and to reword operative paragraph 2 as follows: "*Recommends* that the Governments of States invited to the Conference give urgent consideration, in the light of the observations and comments made in the course of the discussions, to the study of the amendments proposed".

Mr. SAMSON (Observer for the Netherlands), speaking at the invitation of the Chairman, said that he did not want to intervene with regard to the text of the draft resolution, but regretted that the Commission's desire to see the largest possible number of countries accede to the Single Convention was not mentioned in it. The Commission should not overlook that important aspect of the problem.

Mr. VAILLE (France) said that the suggestions made by the observer for Belgium were interesting, and formally requested the Commission to consider the draft resolution paragraph by paragraph.

Mr. KIRCA (Turkey) was also of the opinion that the first preambular paragraph duplicated operative paragraph 1, but would prefer to eliminate the latter, because it was important to mention the plenipotentiary conference at the beginning of the draft resolution.

In the second preambular paragraph, it was useful to refer to experience with the operation of the Single Convention, but any such reference should be drafted in an impartial spirit, so as to obtain broad support, whatever the delegations' views on the amendments. Why should the international community seek to strengthen the machinery for the control of narcotic drugs when the idea of stringent international control of that nature had not been proposed for psychotropic substances at Vienna in 1971? The only valid explanation was that a degree of experience had been obtained through the Single Convention, whereas experience of the functioning of the 1971 Convention was still awaited. Hence, it seemed useful to speak of such "experience". The end of the second preambular paragraph might be worded as follows: "and that experience with the operation of the Single Convention should be taken into consideration in examining amendments proposed". The new text should be approved by all delegations.

With respect to the third preambular paragraph, the possibility of misconstruction mentioned by the representative of the Soviet Union could be avoided by deleting the words "during the decade since the Single Convention was adopted".

With regard to the fourth preambular paragraph, where the Single Convention was mentioned textually, it should be remembered that to limit the use of narcotic drugs to medical and scientific purposes was not one of the aims of the Convention and that an equally important objective was to control the illicit traffic.

Accordingly, his delegation suggested that the beginning of the paragraph should be amended as follows:

"*Believing* that a review of some of the provisions of the Single Convention is warranted bearing in mind the purposes of that Convention, and to this end to provide for ...".

Reverting to a suggestion made by the French representative, he thought that it would be useful to add the term "of States invited to the conference" after the word "Governments" in operative paragraphs 2 and 3. The proposal that the Secretary-General should be requested to transmit the report of the Commission as well, was fully justified, at least as far as the passages relating to the amendments were concerned.

Mr. VAILLE (France), speaking on a point of order, recalled that he had formally proposed that the draft should be studied paragraph by paragraph, and requested that his proposal should be put to the vote.

The CHAIRMAN asked the Commission if it preferred to continue its consideration of the draft resolution paragraph by paragraph, or to request the sponsors to revise it and then continue the debate at the next meeting.

Mr. NIKOLIĆ (Yugoslavia) thought that the proposals made by the Turkish representative were very interesting, and suggested that a small group should meet to prepare a new text for consideration by the Commission.

Mr. CHAWLA (India) and Mr. KIRCA (Turkey) supported the suggestion made by the Yugoslav representative.

Mr. INGERSOLL (United States of America) agreed with the French representative that in view of the number of proposals put forward, it would be simpler to examine the draft paragraph by paragraph after a revised text had been circulated in writing to the members of the Commission, in other words, at the next meeting.

Dr. BABAIAN (Union of Soviet Socialist Republics) agreed with the suggestion which had just been made, and thanked the Turkish representative for the useful modifications that he had proposed.

Mr. VAILLE (France), speaking on a point of order, said that he would not press for his proposal to be put to the vote, and suggested that an informal working party composed of the representatives of India, Turkey, the Union of Soviet Socialist Republics and the United States of America should be set up to deal with the question in consultation with the Secretariat.

Dr. BABAIAN (Union of Soviet Socialist Republics) did not think that it was essential for him to form part of the working party.

The CHAIRMAN thanked the French representative for not insisting that his proposal should be put to the vote, and suggested that the informal working party entrusted with the revision of the draft resolution should consist of the delegations of India, Turkey and the United States of America, and, as the representative of the United States of America had suggested, the

representative of Turkey might take the chair in the working party. The Commission would then take up the draft resolution again at a later meeting.

It was so decided.

The meeting rose at 6.20 p.m.

[E/CN.7/SR.719]

SUMMARY RECORD OF THE SEVEN HUNDRED AND NINETEENTH MEETING

held on Wednesday, 20 October 1971, at 3 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

REPORT OF THE COMMISSION ON ITS TWENTY-FOURTH SESSION (agenda item 12) (continued) (E/CN.7/L.345 and Corr.1, Add.1 and Add.1/Corr.1 and 2, Add.2 and Add.2/Corr.1, Add.3 and Add.3/Corr.1, Add.4 and Add.4/Corr.1 and 2 and Corr.2/Rev.1, Add.5-11, Add.12 and Add.12/Corr.1, Add.13 (A), Add.14-19)

Chapter VIII—United Nations Fund for Drug Abuse Control (E/CN.7/L.345/Add.17)
[not reproduced]

Chapter X—Amendment of the Single Convention on Narcotic Drugs, 1961 (E/CN.7/L.345/Add.18)

The CHAIRMAN invited the Commission to consider Chapter X paragraph by paragraph.

Paragraphs 1-4

Paragraphs 1-4 were adopted.

Paragraph 5

Dr. BÖLCS (Hungary), Rapporteur, noted the request made by Mr. BARONA LOBATO (Mexico), that the second sentence should be drafted in terms similar to those he had used when stating (708th meeting) not that Economic and Social Council resolution 1577 (L) was incompatible with article 47 of the Single Convention, but that the procedure recommended in the Council's resolution was irregular, if the Convention was taken into account.

Paragraph 5 was adopted.

Paragraphs 6 and 7

Mr. MILLER (United States of America) supported by Mr. NIKOLIĆ (Yugoslavia) proposed that the order of paragraphs 6 and 7 should be reversed, that the words "the proposed amendments", in the present paragraph 7, should be replaced by the words "the amendments proposed", and that the present paragraph 6 should be redrafted as follows:

"The Commission considered that the procedure which would best enable it to carry out its task would be to have a full debate and to transmit the records of that debate together with the relevant

portions of the report, to the plenipotentiary conference."

It was so decided.

Paragraphs 6 and 7, as amended, were adopted.

Paragraph 8

Mr. MILLER (United States of America) suggested that in the amendment to article 19, the words contained in the parenthesis should read "(paragraphs 1, 2 and 3)".

It was so decided.

Paragraph 8, as amended, was adopted.

Paragraphs 9 and 10

Paragraphs 9 and 10 were adopted.

Paragraph 11

Dr. BÖLCS (Hungary), Rapporteur, said that in the first sentence the words "poppy cultivation" should read "opium poppy cultivation".

Dr. BABAIAN (Union of Soviet Socialist Republics) asked that it should be clearly indicated that paragraph 11 reflected the opinion of the United States of America and should not give the impression that the passage represented the view of the Commission.

It was so decided.

Paragraph 11 was adopted.

Paragraph 12

Mr. MILLER (United States of America), referring to the fifth line, proposed that the words "to compel the parties" should be replaced by the words "to invite the parties" and, referring to the tenth line, that the words "an over-all estimate made by ..." should be replaced by the words "the world's legitimate requirements, as determined by ...".

It was so decided.

Mr. DITTERT (International Narcotics Control Board), referring to the fifth line, proposed that the words "or other narcotics" should be replaced by the words "and to amend the estimates of drug requirements".

It was so decided.

Paragraph 12, as amended, was adopted.

Paragraphs 13 and 14

Paragraphs 13 and 14 were adopted.

Paragraph 15

Mr. MILLER (United States of America) proposed that, in order to clarify the substance of the consultations with his Government, an addition should be made to paragraph 15, to read as follows:

"He referred to two major themes which had emerged from these extensive consultations, and to which his Government was fully sympathetic, namely, the importance of including in the various proposals additional safeguards for the legitimate interests of sovereign States, and the importance of linking the Single Convention to sophisticated new tools developed in the fight against drug abuse since 1961,

particularly the possibility of empowering the Board, under article 14, to recommend to United Nations bodies and institutions, including the United Nations Fund for Drug Abuse Control, ways in which States might be assisted in executing the provisions of the Convention and furthering its objectives."

It was so decided.

Paragraph 15, as amended, was adopted.

Paragraphs 16-18

Paragraphs 16-18 were adopted.

Paragraph 19

Mr. VAILLE (France) proposed that the first sentence should be amended to read as follows:

"The representative of France, in introducing his amendments, said that France could not depart from the attitude it had taken at the time the 1953 Protocol had been discussed and adopted, when France had not been directly concerned with the problem of drug addiction and had been guided solely by the wish to promote international unity in the campaign against that social scourge."

It was so decided.

Paragraph 19, as amended, was adopted.

Paragraph 20

Dr. BABAIAN (Union of Soviet Socialist Republics) asked that it should be clearly indicated, in paragraph 20, as in paragraphs 21 and 22, that the view expressed was that of France and not that of the Commission.

It was so decided.

Paragraph 20 was adopted.

Paragraph 21

Paragraph 21 was adopted.

Paragraph 22

Mr. VAILLE (France) proposed that the word "investigation", in the second sentence, should be replaced by the words "local investigation or survey".

It was so decided.

Paragraph 22, as amended, was adopted.

Paragraph 23

Paragraph 23 was adopted.

Paragraph 24

Mr. MILLER (United States of America) said that it was extremely difficult to give an accurate summary in a few paragraphs of the long discussions that the Commission had held on the subject of the proposed amendments. At the present stage of the Commission's work, it would be impossible to reach agreement on the content of that part of the report which dealt with them, since it did not accurately reflect either the substance of the discussions or the conclusions and, consequently, called for numerous amendments. To save time, therefore, he proposed that the latter part of the document—from paragraph 25 to paragraph 78 inclusive—should be deleted and replaced by the relevant summary records, which had the advantage of

setting out directly all the opinions expressed rather than conclusions extracted with more or less accuracy from the discussions. Paragraph 24 would be replaced by a new paragraph stating that the Commission had devoted so many meetings to the consideration of the proposed amendments and that the summary records of the debates were attached to and formed an integral part of the report. Paragraph 79, containing the resolution adopted by the Commission, would remain unchanged.

Dr. BABAIAN (Union of Soviet Socialist Republics) said that he could not agree to the United States proposal. The Rapporteur and the Secretariat had produced an excellent summary, which satisfactorily reflected the main trends of the debates. It conformed with the Commission's usual practice, which had not caused any difficulties previously, since each delegation had been most careful to ensure that its opinion was accurately reflected in the report. Moreover, in the resolution that it had adopted, the Commission stated that it would transfer to the forthcoming plenipotentiary conference that part of the report which dealt with the discussions of the amendments. Consequently, the Commission could not do without that part of the report. Furthermore, not all the summary records had been issued and the fact that they existed in no way lessened the importance of the report.

Mr. NIKOLIĆ (Yugoslavia) could not understand how the United States representative could propose the deletion of the main part of the report, which dealt with the very agenda item for the sake of which the Economic and Social Council had extended the length of the Commission's session by a week. It would be unfair to end the report immediately after the analysis of the position of the sponsors of the amendments, and it was contrary to normal practice to leave a report incomplete.

Mr. THOMPSON (Jamaica) supported the United States proposal. The report did not appear to reflect all the views expressed. There was no mention, for instance, of the views of his own delegation, which had spoken on all the amendments. There was no reason to believe that Governments would prefer to read a short report rather than slightly longer summary records.

Mr. McCARTHY (Canada) said that he was well aware of the reasons for the United States proposal but could not support it, since his delegation could not agree to accept a text without having seen it, and that was the effect of the United States proposal.

Mr. VAILLE (France) suggested, in a spirit of compromise, that the Rapporteur should be entrusted with the task of drafting a new paragraph 24, referring, with respect to the general considerations, to the summary records; the latter would replace paragraphs 25 to 38 only, since it was the synthesis they contained which was giving rise to insurmountable difficulties; the rest of the document, on the discussion of various proposals for amendments, would be retained, each delegation being able to submit to the Rapporteur, in

writing, any amendments or additions it wished to be included.

Dr. EL HAKIM (Egypt) and Mr. OLIVIERI (Observer for Argentina) asked whether it was legally possible for summary records to form an integral part of a report.

Mr. RATON (Legal Adviser) said that the report reflected discussions more succinctly than summary records, which had greater legal force, since they directly reproduced the statements of delegations, but that they certainly could not be separated from the report.

Dr. SHIMOMURA (Japan) and Mr. ALVAREZ CALDERÓN (Peru) supported the proposal of the United States representative.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that the United States representative's proposal was far from satisfactory. Nevertheless, it was true that there were contradictions between the summary records and paragraphs 24 to 38; he therefore supported the compromise solution put forward by the French representative and suggested that the paragraphs in question should be replaced by a text worded as follows:

"For the general considerations, which are extremely difficult to summarize, the present report refers purely and simply to the summary records, which should be taken to be reproduced here in full."

Mr. KUŠEVIĆ (Director, Division of Narcotic Drugs) observed that, in conformity with the rules of procedure of the functional commissions of the Economic and Social Council, the document submitted by the Commission to the Council should consist of a report and not of summary records.

Mr. ANSAR KHAN (Secretary of the Commission) read out paragraph 10 of Council resolution 1623 (LI), which stated that the reports of functional commissions "should contain . . . a résumé of the discussions".

Mr. VAILLE (France) approved the wording proposed by the Belgian observer; he suggested that mention should also be made of the statement made by Mr. Reuter, representative of the International Narcotics Control Board, at the 710th meeting of the Commission, and that the complete text of that statement should be attached as an annex to the report, since it was too important to appear solely in the form of a summary record. In that way, the Commission would, as requested, have submitted to the Council comments on the amendments; it was, moreover, clear that its current work was particularly directed towards the plenipotentiary conference to be held before the next session of the Economic and Social Council.

Mr. MILLER (United States of America) considered that his proposal was in complete conformity with the Commission's mandate, which was to study the proposals for amendments and to submit comments; the Commission had examined the proposals in question and the comments of each delegation were reflected as fully as possible in the summary records, a system

which was particularly satisfactory, since representatives could propose any modifications they wished.

Dr. BABAIAN (Union of Soviet Socialist Republics), supported by Mr. CHAWLA (India), thought that the comments requested by the Economic and Social Council should not be confined to mere résumés of each speech, as was the case with summary records; what was needed was a synthesis capable of giving an over-all view of the standpoint of both the majority and the minority. If necessary, the reader could always consult the summary records to obtain additional details; but the latter did not reflect, as in a report, the general trend of the discussions. Furthermore the Soviet delegation was at a disadvantage, since summary records were not produced in Russian, and was therefore not in a position to express an informed opinion on the matter. Invoking rule 33 of the rules of procedure, he asked the Secretariat to provide him with summary records in Russian of the meetings concerning agenda item 10.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, wished to alter the wording he had previously proposed: paragraphs 24 to 38 could be retained and a paragraph 38 (a) inserted, reading as follows:

"As it is extremely difficult to give an entirely faithful résumé of the particularly full discussions on the general considerations, the present report refers back to the summary records, which should be taken to be reproduced here in full."

Mr. VAILLE (France) preferred the first suggestion made by the Belgian observer, which incorporated his own proposal; that particular compromise seemed to him to be the solution which was fairest to all delegations.

Mr. NIKOLIĆ (Yugoslavia), replying to a question by Mr. CHAWLA (India), said that no precedent existed and that it was the first time a delegation had requested that a report be replaced by summary records; the proposal was particularly inappropriate, since it was in order for the report to be drafted that the Economic and Social Council had extended the Commission's session by a week. Moreover, it should be pointed out that the United States representative had submitted his proposal not for the report as a whole, but after his delegation's position had been stated at length, which was altogether discriminatory.

Mr. MILLER (United States of America), in a spirit of compromise, agreed to support the French representative's proposal, as elaborated by the Belgian observer in his first suggestion.

Mr. SAGOE (Ghana) thought that the Commission would have difficulty in taking a decision on the proposal immediately, since it had only just seen document E/CN.7/L.345/Add.18, and since delegations had not yet received all the summary records in question. It might perhaps be better to postpone a decision on such an important matter.

Mr. LINARES (Observer for Panama), speaking at the invitation of the Chairman, proposed that the

meeting he suspended for a few minutes to enable the delegations to discuss that difficult problem among themselves.

The CHAIRMAN said the Commission had too little time at its disposal to be able to suspend the meeting.

Further, he reminded the Commission that it had been formally requested to study the proposed amendments and to make comments for the benefit of the forthcoming conference. It was in no way supposed to adopt a position on the contents of the amendments; the result was that in many cases there had been no agreement among members and that the tenor of the discussions was very difficult to summarize. As a subsidiary body of the Economic and Social Council, however, the Commission was bound to draw up a report in due and proper form.

The contentious paragraphs in the report—those dealing with the general considerations—could be re-examined by the Rapporteur and the Secretariat in consultation with the United States delegation; such a solution would not rule out the possibility of referring also to the summary records in accordance with the French proposal. The Commission would thus have faithfully fulfilled its mandate.

Dr. BABAIAN (Union of Soviet Socialist Republics) reaffirmed that the proposal of the United States was unacceptable, because it involved inadmissible discrimination in the treatment of the standpoints of the different delegations. On the other hand, a new draft of the contentious paragraphs prepared in consultation with the United States representative alone would also be extremely biased. Only the compromise proposed by France and Belgium was worthy of some consideration.

Mr. VAILLE (France) found the Chairman's proposal interesting but impracticable owing to lack of time. He therefore maintained his own suggestions, namely to replace the existing paragraph 24 by a text relating the difficulties encountered by the Commission in summarizing the general considerations, and adding that the summary records should be consulted for an account of the Commission's work on that item; to replace paragraph 25 by a text stating that the representative of the International Narcotics Control Board had made a legal statement on the Board's role in implementation of the treaties, and that the text of his speech was attached to the report; to do away with paragraphs 26 to 38 and, for the following paragraphs, to give delegations not satisfied with the current wording of the report an opportunity to submit any modifications they deemed necessary.

Mr. NIKOLIĆ (Yugoslavia), supported by Dr. BABAIAN (Union of Soviet Socialist Republics), proposed that in order to save time and in the interests of fairness paragraphs 9 to 38 should be simply omitted; the other solutions put forward would in fact result in certain delegations being given the right to state their viewpoint in full, while the attitude of other delegations would be scarcely mentioned.

According to Dr. BERTSCHINGER (Switzerland), it would be easier for the Commission to reach a decision if the French representative could submit the text of the proposed modification in writing.

Mr. VAILLE (France) said that paragraphs 9 to 38 ought not to be omitted, since in a way they served as an introduction and set out concrete facts which were the very basis of the report and of the summoning of the conference. Owing to lack of time, the Swiss suggestion was hardly practicable, and he requested that his own proposal be immediately put to the vote.

The French proposal was adopted by 15 votes to 1, with 7 abstentions.

Dr. BABAIAN (Union of Soviet Socialist Republics), explaining his vote, said that he had not opposed the French proposal, because he considered it preferable to that of the representative of the United States. He deeply regretted, however, that the more equitable Yugoslav proposal had not been upheld.

Mr. BARONA LOBATO (Mexico) said he had voted in favour of the French proposal because it was a practical solution to the problem facing the Commission, but he was not convinced that it was a happy solution to omit whole paragraphs of a report which was the result of admirable work on the part of the Rapporteur and the Secretariat.

Dr. URANOVICZ (Hungary) said that the Commission's decision should in no way constitute a precedent.

Mr. LINARES (Observer for Panama), speaking at the invitation of the Chairman, was glad that a compromise solution had been reached, but regretted that the Commission had not thought fit to suspend the meeting in order to allow delegations to discuss the matter.

The meeting rose at 6.35 p.m.

[E/CN.7/SR.720]

SUMMARY RECORD OF THE SEVEN HUNDRED AND TWENTIETH MEETING

held on Thursday, 21 October 1971, at 9.10 a.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

REPORT OF THE COMMISSION ON ITS TWENTY-FOURTH SESSION (agenda item 12) (*continued*) (E/CN.7/L.345 and Corr.1, Add.1 and Add.1/Corr.1 and 2, Add.2 and Add.2/Corr.1, Add.3 and Add.3/Corr.1, Add.4 and Add.4/Corr.1 and 2 and Corr.2/Rev.1, Add.5-11, Add.12 and Add.12/Corr.1, Add.13 (A), Add.14-19)

Chapter X—Amendment of the Single Convention on Narcotic Drugs, 1961 (E/CN.7/L.345/Add.18)
(continued)

Mr. BARONA LOBATO (Mexico) said that his delegation had voted, at the 71st meeting, in favour

of the deletion of paragraphs 24-38 as a practical and time-saving compromise. That vote should in no way be construed as a change in the position of the Mexican delegation as set out in those paragraphs.

Mr. OLIVIERI (Observer for Argentina), speaking at the invitation of the Chairman, requested the inclusion in the section entitled "Consideration of the different amendments proposed" (paras. 39-78) of a reference to the position taken by his delegation on the proposed amendments to the Single Convention.

Paragraph 40

Mr. MILLER (United States of America) said that the name of his country should appear in the third sentence and not in the second sentence of the paragraph.

Mr. ALVAREZ CALDERÓN (Peru) and Mr. STEWART (United Kingdom) requested the deletion of the names of their countries in the second and third sentences respectively.

Dr. BÖLCS (Hungary), Rapporteur, suggested that all references to specific delegations in the second and third sentences should be deleted.

It was so agreed.

Paragraph 41

Mr. MILLER (United States of America) proposed that the paragraph should be re-drafted to read as follows:

"Extensive comments were made on the proposed amendments on estimates, which would extend the estimate system to include the area under opium poppies and the production of opium and would empower the Board to revise estimates submitted by States and also to take into account a previous year's excess production when acting on a subsequent estimate. Several delegations described this 'package' of amendments as generally acceptable, while a large number reserved judgement on the total 'package' or raised general or technical objections to one or more specific parts. Some of the representatives who expressed opinions appeared to support the extension of the estimate system to the area under poppy cultivation and to the production of opium. A number of them appeared to find the proposed new article 21bis, which would permit the Board to take a previous year's excess into account, generally helpful. Others expressed general support for the concept of permitting the Board in some manner to play a greater role in an expanded estimate system but desired at the same time that safeguards for the legitimate interests of sovereign States should be included."

Dr. BABAIAN (Union of Soviet Socialist Republics) said that the Commission could not consider the amendment proposed by the representative of the United States without the written text. It was regrettable that an amendment of substance referring to the general discussion rather than to the position of a single delegation was now being submitted, when very little time remained for the adoption of the report.

Mr. MILLER (United States of America) said that his delegation's sole concern was to achieve balance in the Commission's report. The late submission of the amendment was due to the fact that his delegation had received document E/CN.7/L.345/Add.18 only the day before and had therefore had little time to study the text.

Mr. ANSAR KHAN (Secretary of the Commission) said that the section of the draft report relating to the amendment of the Single Convention could not have been distributed earlier. Because of the great length of the draft report, special arrangements had been made with the language services, which were working within the limits of the budgetary and personnel resources allotted to them by the General Assembly, and document E/CN.7/L.345/Add.18—which had been prepared over the week-end immediately following the conclusion of the relevant discussion—had been given the first priority. All the versions of the document in the various languages had been issued at the same time.

Mr. VAILLE (France), supported by Mr. NIKOLIĆ (Yugoslavia) and Dr. BABAIAN (Union of Soviet Socialist Republics), suggested that the English text of the United States amendment to paragraph 41 should be circulated to members of the Commission and that arrangements should be made for its consecutive interpretation into the other working languages.

The CHAIRMAN said that further discussion of paragraph 41 would be postponed until the English text of the United States amendment had been distributed.

Paragraph 42

The CHAIRMAN said that the list of delegations which had raised the objection referred to in paragraph 42 was inaccurate and would be corrected by reference to the relevant summary record.

Mr. VAILLE (France) said that the following sentence should be added at the end of the paragraph: "The representative of France emphasized that supranational power had already been vested in the Board by the existing treaties".

Subject to those changes, paragraph 42 was adopted.

Paragraph 43

Mr. GAVAZZONI SILVA (Brazil) said that the list of representatives in the second sentence should include the representative of Brazil.

Paragraph 43 was adopted.

Paragraph 44

Mr. STEWART (United Kingdom) said that the references in paragraph 44 and in the subsequent paragraphs of the document to views of his delegation were not an accurate reflection of the United Kingdom's position. He requested that those references should be deleted.

Mr. MILLER (United States of America) proposed the insertion, before the last sentence of the paragraph, of the following sentence:

"The United States delegation pointed out that illicit diversion from licitly produced opium was at

present a major source of the heroin entering the United States and other countries and that the Single Convention, as articles 14, 18, 22, 35 and 36 made clear, sought to protect the international community against illicit traffic."

Mr. VAILLE (France) requested that, in that new penultimate sentence, the French delegation should be mentioned as sharing the same views.

Paragraph 44 was adopted, subject to those changes.

Mr. PHILIPPART DE FOY (Observer for Belgium), speaking at the invitation of the Chairman, said that Belgium expressed reservations with regard to the right of the Board to modify estimates.

Paragraph 45

Dr. SHIMOMURA (Japan) said that the paragraph was an inadequate summarization of his delegation's views. He proposed that it should be amended to indicate that the Japanese representative had agreed on the need to take stricter action against the illicit traffic, but had said his country hoped that licit production would not suffer from such measures, since Japan already had difficulties in obtaining the necessary amount of licit opium, and considered that the plenipotentiary conference to be held in March should also consider that problem.

Paragraph 45 was adopted, subject to that amendment.

Paragraph 46

Mr. VAILLE (France) said that he would submit to the Rapporteur a proposal for the amendment of the paragraph, which referred to a statement made by the French delegation.

Paragraph 46 was adopted on that understanding.

Paragraph 47

Mr. MILLER (United States of America) proposed that that part of the paragraph which followed the words "... it considered exaggerated", should be replaced by the following: "but also to revise estimates upwards if, on the basis of its review of the world drug situation, it concluded that greater production was necessary to meet a shortage of drugs for medical and scientific needs".

The amendment was adopted.

Paragraph 47, as amended, was adopted.

Paragraph 48

Mr. VAILLE (France) proposed that a sentence should be added to the paragraph referring to the view that, under the proposed amendment, the Board, before modifying a country's estimates, could request explanations from the Government concerned.

The proposal was adopted.

Paragraph 48, as amended, was adopted.

Paragraph 49

Mr. BARONA LOBATO (Mexico) proposed that the report should reflect the Mexican delegation's posi-

tion that the Board could take into consideration only information supplied by the Governments of States parties to the Convention and his delegation's consistent opposition to the granting of powers of inquiry to the Board. He would give the Rapporteur the text of a proposed wording.

Dr. BÖLCS (Hungary), Rapporteur, proposed that the text in question should form a new paragraph 49 *bis* and that paragraph 49 should be adopted on the understanding that it would be followed by that additional paragraph.

It was so agreed.

Paragraph 50

Mr. NIKOLIĆ (Yugoslavia) pointed out that the view attributed to the Indian representative in the second sentence had in fact been expressed by the Yugoslav delegation, and had been supported by the Indian delegation. He proposed that the sentence should be amended to take that fact into account. He also proposed the deletion of the last sentence of the paragraph, since it did not accurately reflect the views of his delegation.

Mr. STEWART (United Kingdom) supported the proposal to delete the last sentence, because it did not accurately reflect the views of the United Kingdom delegation either.

Those proposals were adopted.

Paragraph 50, as amended, was adopted.

Paragraph 51

Paragraph 51 was adopted.

Paragraph 52

Mr. SAGOE (Ghana) proposed that the words "the representative of Ghana and" should be inserted before the words "the observer for Belgium" in the second sentence.

Mr. KIRCA (Turkey) proposed that the words "the representative of Turkey and" should be inserted before the words "the French representative" in the third sentence.

Paragraph 52 was adopted, subject to those changes.

Paragraph 53

Mr. CHAWLA (India) proposed that India should be included in the list of countries in the first sentence.

Dr. BABAIAN (Union of Soviet Socialist Republics) noted that the USSR was included in the same list as one of the countries whose delegations felt "that the Board could scarcely be authorized to use information from non-official sources". As far as his delegation was concerned, that statement was not strong enough; his delegation believed that it was entirely out of the question for the Board to use that type of information. He therefore proposed that the words "the USSR" in the first sentence should be deleted and that a new sentence should be added to reflect the USSR delegation's categorical opposition to the Board being authorized in any way to use information other than that furnished by Governments.

Mr. ALVAREZ CALDERÓN (Peru) proposed that the name of his country, too, should be deleted in the first sentence of paragraph 53, since that sentence did not correctly reflect the Peruvian delegation's position.

Mr. DITTERT (International Narcotics Control Board) suggested that the second sentence of the paragraph should be deleted and that the report should contain a new paragraph 53 *bis* worded on the following lines: "The situations which arose could be quite complex and, in practice, the Board always approached the Government concerned and proceeded to act on the basis of the information it furnished".

Paragraph 53 was adopted, subject to those amendments.

Paragraph 54

Mr. MILLER (United States of America) proposed an amendment to the paragraph, which referred to a statement made by his delegation.

Paragraph 54, as amended, was adopted.

Paragraph 55

Mr. NIKOLIĆ (Yugoslavia) said that he would give to the Rapporteur a proposed rewording of the second sentence which would state that the local inquiry provisions of the 1953 Protocol, among others, explained why, in the 18 years since its entry into force, that Protocol had been ratified by only 52 countries, whereas there were already 79 parties to the 1961 Single Convention.

Subject to that amendment, paragraph 55 was adopted.

Paragraphs 56, 60 and 63

Dr. BABAIAN (Union of Soviet Socialist Republics) read out a text which he would give to the Rapporteur to replace the present text of paragraph 56 and to make it clear, particularly in the Russian version, that the delegations mentioned in parentheses had expressed opposition to the principle of carrying out local inquiries, for reasons of national sovereignty and territorial inviolability. The text would include an additional sentence stating that the USSR delegation had drawn attention to the possible financial implications of the proposed amendment. Paragraph 60 could then be deleted.

Dr. URANOVICZ (Hungary) and Mr. ALVAREZ CALDERÓN (Peru) requested that the names of their countries should be included in the list between brackets in paragraph 56.

Mr. BARONA LOBATO (Mexico) and Mr. OSMAN (Lebanon) approved the first sentence of the USSR proposal for the amendment of paragraph 56.

Mr. VAILLE (France) proposed that paragraph 63, which summarized the French delegation's reply to the USSR delegation's remark regarding financial implications, should be placed immediately after paragraph 56.

Dr. BÖLCS (Hungary), Rapporteur, suggested that paragraph 56 should be amended as proposed by the USSR and the Hungarian delegations, that paragraph 60

should be deleted and that paragraph 63 should become paragraph 56 *bis*.

Subject to those amendments, paragraphs 56 and 63 were adopted.

Paragraph 57

Mr. MILLER (United States of America) asked whether the representatives of Ghana, the Federal Republic of Germany and Canada wished to have their views on the question of local inquiries included in paragraph 57.

Mr. SAGOE (Ghana) said that the reference to be included should take the form of a statement that his delegation had supported the amendment submitted by France on that question.

Dr. DANNER (Federal Republic of Germany) said that the name of his country should be added to the list of countries in the first sentence of paragraph 57.

Mr. McCARTHY (Canada) said that he would give to the Rapporteur a proposed wording to reflect his delegation's position.

The CHAIRMAN said that, in the absence of objection, he would take it that the Commission approved paragraph 57, on the understanding that the Rapporteur would include the appropriate references to the views of the three delegations concerned.

It was so agreed.

Paragraph 58

Mr. SADEK (Egypt) proposed that, in the second sentence, the word "determining" should be replaced by the word "surveying".

Paragraph 58, as amended, was adopted.

Paragraph 59

Mr. THOMPSON (Jamaica) proposed that the paragraph should be amended to read as follows:

"Further comments were made, in particular, by the representative of Jamaica, who said that once the agreed formalities had been cleared such inquiries might serve a useful purpose, especially if the terms of reference could be broadened to allow discussions of agricultural, social and other problems. He also asked whether it would be possible for a State to accept an inquiry in principle but to object to a member of the proposed inquiry team."

It was so decided.

Paragraph 59, as amended, was adopted.

Paragraph 61

Mr. SAMSON (Observer for the Netherlands), speaking at the invitation of the Chairman, requested the deletion of the words "and the observer for the Netherlands".

Paragraph 61 was approved with that amendment.

Paragraph 62

Mr. MILLER (United States of America) said that the wording of paragraph 62 was unsatisfactory. In particular, his delegation had never used the term

"investigator". He read out a proposal for amendment of the paragraph which he would give to the Rapporteur.

Paragraph 62, was adopted, subject to that amendment.

Paragraph 64

Mr. MILLER (United States of America) proposed that the words "compulsory embargo" should be replaced by the words "compulsory drug embargo". He said that it was no part of the United States proposal to institute a compulsory embargo for anything other than narcotic drugs.

The proposal was adopted.

Paragraph 64, as amended, was adopted.

Paragraph 65

Dr. BABAIAN (Union of Soviet Socialist Republics) proposed the inclusion of an additional sentence to the effect that the USSR representative had recalled that the proposal concerning an embargo had been rejected by an overwhelming majority at the 1961 Conference.

The proposal was adopted.

Mr. CHAWLA (India) and Mr. ALVAREZ CALDERÓN (Peru) proposed that the words "The Yugoslav representative" should be replaced by a reference to the Yugoslav, Indian and Peruvian representatives.

Mr. THOMPSON (Jamaica) proposed that the sentence referring to the statement by the USSR representative should be followed by a sentence setting forth the strong views expressed by the Jamaican delegation on the embargo question, namely that his delegation could not envisage any circumstances under which it could support the proposal.

Mr. BARONA LOBATO (Mexico) proposed that the words "an embargo" should be replaced by the more specific expression "a compulsory embargo".

It was so decided.

Paragraph 65, as amended, was adopted.

Paragraph 66

Mr. STEWART (United Kingdom) proposed that the second sentence should be deleted, since, in that particular context, it gave a distorted picture of the views of his delegation.

The proposal was adopted.

Dr. URANOVICZ (Hungary) proposed that a sentence should be added at the end of paragraph 66 to reflect an important point raised by his delegation and that of Egypt during the debate on the embargo proposal. The sentence might read as follows: "Some representatives expressed the view that the mandatory embargo was an exceptional measure in the United Nations system, which should remain the exclusive prerogative of the Security Council".

The proposal was adopted.

Mr. THOMPSON (Jamaica) proposed, in order to reflect the comments made by himself and by the observer for the Netherlands, the insertion, after the first sentence, of an additional sentence on the following lines: "For example, it was pointed out that most of

the drugs covered by the Convention were important drugs needed for the treatment of the sick in time of emergency".

The proposal was adopted.

Paragraph 66, as amended, was adopted.

Paragraph 67

Mr. MILLER (United States of America) proposed, in view of the changes made in paragraph 66, that paragraph 67 should be amended to read as follows:

"The United States representative said that the changing nature of drug abuse required an intense international co-operative effort. The proposed amendment was designed to provide the Board with an important tool, which it possessed under the 1953 Protocol, to impose a drug embargo on account of a State's flagrant violation of the Convention. The embargo would not be imposed until all other measures had failed, in which case humanitarian considerations should be taken into account. Furthermore, States often bound themselves under commodity agreements to limit imports and exports to specified quantities of goods. The Single Convention resembled such agreements, in that nations agreed to accept internationally determined limitations to restrict production, import and export to the amounts necessary for scientific and medical use. States should be more willing to accept restrictions under a treaty designed to protect the health and welfare of mankind. In any case, sanctions in that narrow field were for the parties to determine pursuant to the Convention and in no way involved the political issues with which the Security Council dealt under the Charter of the United Nations. The vesting in the highly respected Board of authority to impose an embargo would reaffirm that the parties regarded drug abuse as a deadly threat and that they granted a new mandate to the Board to exercise its supervisory powers with increased vigour."

Dr. URANOVICZ (Hungary), speaking on a point of order, urged the United States delegation to reconsider its proposal to expand so considerably paragraph 67. The Egyptian, Hungarian and Jamaican delegations had not introduced into paragraph 66 lengthy accounts of the statements made by them during the discussion. It was necessary to maintain a balance and he hoped that the United States representative would agree to a more concise text for paragraph 67 than the one which he had read out.

Mr. NIKOLIĆ (Yugoslavia) supported the Hungarian representative's remarks and pointed out that the last sentence of paragraph 13 already contained a summary of the ideas which the United States delegation had expressed at greater length in its proposed revision of paragraph 67.

Dr. BABAIAN (Union of Soviet Socialist Republics) supported the statement made by the Hungarian representative.

Mr. VAILLE (France) suggested that the United States representative should prepare a more concise text in consultation with the Rapporteur.

Mr. MILLER (United States of America) said that he was willing to do so. He wished to point out, however, that the amendment which he had read out condensed the ideas contained in a five or six-page statement made by his delegation.

The CHAIRMAN suggested that the Rapporteur should be asked to redraft paragraph 67 in consultation with the United States delegation.

It was so agreed.

On that understanding, paragraph 67 was adopted.

Paragraph 68

Mr. DITTERT (International Narcotics Control Board) proposed that the words "that could do nothing to improve the situation" at the end of the sixth sentence should be deleted, that the words "to other legitimate interests" in the penultimate sentence should be replaced by "to legitimate national interests" and that the last sentence should be reworded on the following lines: "In situations of that kind, the Board had to proceed with some caution, in order to strengthen the position of those who favoured action and to avoid making their intervention more difficult".

Those amendments were adopted.

Paragraph 68, as amended, was adopted.

Paragraphs 69-72

Paragraphs 69-72 were adopted.

Paragraph 73

Mr. BARONA LOBATO (Mexico) proposed that the words "and his freedom" should be inserted after the words "the individual" in the first sentence and that the word "drug" in the last sentence should be replaced by the words "illicit drug traffic". The observation that drug offences could not be compared to the seizure of aircraft, attributed to the United Kingdom representative in paragraph 74, had been made by the Mexican representative. He therefore proposed that that observation, appropriately attributed, should be reflected in paragraph 73.

Paragraph 73, subject to those amendments was adopted.

Paragraph 74

Mr. STEWART (United Kingdom) said that the paragraph did not accurately reflect the statement he had made. He would submit a proposed amendment to the Secretariat.

Paragraph 74, subject to that amendment, was adopted.

Paragraph 75

Mr. MCCARTHY (Canada) said that the last sentence was not an accurate statement of his delegation's point of view. He suggested that the sentence should end with the words "including possession" and that the rest of the sentence should be replaced by the following new sentence, "Canada also desired to avoid an obligation that would be inconsistent with an

extradition treaty with the United States which had been prepared and in which possession of narcotics was not included as an extraditable offence".

That proposal was adopted.

Paragraph 75, as amended, was adopted.

Paragraph 76

Mr. MILLER (United States of America) proposed that the phrase "depending on national constitutional practices" should be added at the end of the second sentence.

It was so decided.

Paragraph 76, as amended, was adopted.

Paragraph 77

Mr. NIKOLIĆ (Yugoslavia) said he thought it inappropriate to state that the Commission had considered the Swedish proposals for amendment. His delegation had been in a position to discuss only the United States amendment.

The CHAIRMAN pointed out that the Swedish amendment had also been formally submitted for the Commission's consideration.

Mr. THOMPSON (Jamaica) proposed that the word "Jamaica" in the fourth sentence should be deleted and suggested that the following sentence should be inserted after the fifth sentence: "The Jamaican representative agreed in principle with the Swedish proposal and said that it was clear that the new measures proposed would be undertaken within the economic resources and in conformity with the domestic law of parties".

It was so decided.

Mr. OSMAN (Lebanon) suggested that the words "cannabis users" in the sixth sentence should be replaced by the phrase "users of drugs not producing physical and psychological dependence, such as cannabis".

It was so decided.

Mr. STEWART (United Kingdom) proposed that the reference in the last sentence to his delegation's position should be replaced by the following: "the United Kingdom representative questioned whether the proposals might not conflict with the provisions of article 33 of the Single Convention prohibiting the possession of drugs except under legal authority".

It was so decided.

Paragraph 77, as amended, was adopted.

Paragraph 78

Mr. ALVAREZ CALDERÓN (Peru) proposed that a sentence on the following lines should be added to the paragraph:

"The Peruvian representative made it clear that the purpose of the Peruvian amendment was not to prevent imports of coca leaf for internal consumption, but to limit the manufacture of alkaloids to national requirements in order to avoid creating a potential source of illicit traffic."

It was so decided.

Paragraph 78, as amended, was adopted.

Paragraph 79

Paragraph 79 was adopted.

Paragraph 41 (continued)

Mr. ANSAR KHAN (Secretary of the Commission) read out the text of the United States amendment.

Mr. BARONA LOBATO (Mexico) observed that, if the text proposed by the United States representative was adopted, there would be no indication that some delegations had objected to the proposed amendment in question as a whole, on the ground that the Single Convention already contained provisions dealing with illicit production. That point of view should also be mentioned.

Mr. CHAWLA (India) suggested that the substance of the former paragraph 32, which had explained his delegation's point of view, should be inserted either before or after the amended paragraph 41, which would otherwise be unacceptable.

Mr. NIKOLIĆ (Yugoslavia) supported that suggestion.

Dr. BABAIAN (Union of Soviet Socialist Republics) associated himself with the remarks of the representatives of India and Mexico and suggested that the first part of the present text of paragraph 41 should be retained, while the comments made should be reflected in subsequent paragraphs.

Mr. MILLER (United States of America) said the revised paragraph 41 proposed by his delegation was intended to correct the impression created by the subsequent paragraphs that there had been no support for the proposed amendment. The objections were already adequately dealt with in the subsequent paragraphs.

Mr. BARONA LOBATO (Mexico) said that, if the United States amendment to paragraph 41 was adopted, its second sentence should be followed by a sentence reading: "Other delegations opposed the package on the ground that such controls were already provided for in one way or another in the 1961 Single Convention".

Mr. VAILLE (France) supported the United States amendment to paragraph 41, since it correctly summed up the discussion. The point of view of some of the delegations which had raised objections could be reflected by inserting all or part of the former paragraph 32 in paragraph 44. The point of view mentioned by the representative of Mexico could be reflected in the new paragraph 49 *bis*.

Mr. CHAWLA (India), supported by Dr. URANOVICZ (Hungary), said that paragraphs which had already been approved should not now be amended.

Mr. OLIVIERI (Observer for Argentina), speaking at the invitation of the Chairman and referring to the United States amendment to the paragraph, said that his Government had reservations regarding the juridical aspects of the whole question.

Mr. BARONA LOBATO (Mexico) said that, if a minority view was introduced into paragraph 41, which had been intended as a general statement, there should at least be a foot-note explaining that many delegations

had reservations concerning the proposed amendment in question, because of its implications. The paragraph would otherwise be misleading.

Mr. McCARTHY (Canada) agreed with the United States representative that the present text of paragraph 41 and the succeeding paragraphs gave a one-sided picture of the discussion. The revised text proposed by the United States delegation would restore the balance and preserve the objectivity of the report.

The CHAIRMAN suggested that the representatives of the United States, India, Mexico and Yugoslavia should endeavour to prepare a generally acceptable text.

Mr. NIKOLIĆ (Yugoslavia) proposed that further discussion should be postponed until the following meeting.

It was so decided.

The meeting rose at 12.40 p.m.

[E/CN.7/SR.721]

SUMMARY RECORD OF THE SEVEN HUNDRED AND TWENTY-FIRST (CLOSING) MEETING

held on Thursday, 21 October 1971 at 2.40 p.m.

Chairman: Dr. JOHNSON-ROMUALD (Togo)

REPORT OF THE COMMISSION ON ITS TWENTY-FOURTH SESSION (agenda item 12) (*concluded*) (E/CN.7/L.345 and Corr.1, Add.1 and Add.1/Corr.1 and 2, Add.2 and Add.2/Corr.1, Add.3 and Add.3/Corr.1, Add.4 and Add.4/Corr.1 and 2 and Corr.2/Rev.1, Add.5-11, Add.12 and Add.12/Corr.1, Add.13(A), Add.14-20)

Chapter X—Amendment to the Single Convention on Narcotic Drugs, 1961 (E/CN.7/L.345/Add.18) (concluded)

Paragraph 41 (concluded)

Mr. DITTERT (International Narcotics Control Board), replying to a question put by the French representative at the 720th meeting, said that the 1953 Protocol specified that estimates had to be furnished for the areas under poppy cultivation for the purpose of producing opium, and also for opium production itself. The 1961 Convention did not contain any similar provisions.

Mr. VAILLE (France), referring to the discussions at the 720th meeting, proposed that the United States representative's text for paragraph 41 should be adopted with the amendments suggested by the observer for Argentina, and with the addition of a paragraph 41 *bis* to express the views of the delegations which did not consider that their opinions were described sufficiently fully or clearly in the later paragraphs, on the understanding that it would be left to the Rapporteur and to the Secretariat to co-ordinate the whole text.

Mr. NIKOLIĆ (Yugoslavia) supported that proposal.

Mr. CHAWLA (India) accepted that proposal, provided that the position of his country was duly reflected in paragraph 41 *bis*.

Mr. BARONA LOBATO (Mexico) requested that the position of his country should be stated in paragraph 41 *bis* in the following terms: "The representative of Mexico said that the 1961 Single Convention contained adequate provisions, some of which established a measure of control over opium production, including the possibility of the parties furnishing information on the subject to the Board."

The proposal of the French representative was adopted without objection.

Mr. INGERSOLL (United States of America) acknowledged the efforts made by the Commission to improve chapter X of the draft report but regretted to say that the chapter did not reflect either correctly or adequately the discussions which had taken place in the Commission. The United States delegation therefore reserved its position on chapter X as a whole and would use the summary records as basic reference texts at the plenipotentiary conference.

Chapter X of the report as a whole, as amended, was adopted without objection.

Dr. BERTSCHINGER (Switzerland) expressed the view that the three weeks for which provision had been made as the duration of the plenipotentiary conference in March 1972 would not be sufficient and that it would be preferable, in the interests of efficiency, to make provision forthwith for a possible extension of one or two weeks.

Mr. SOTIROFF (Secretariat) said that the Secretariat could not alter a decision of the Economic and Social Council; moreover, he feared that for financial and material reasons, it would not be possible to consider an extension of the conference.

Chapter VIII—United Nations Fund for Drug Abuse Control (E/CN.7/L.345/Add.17) (concluded)
[not reproduced]

Chapter XI—Programme and priorities (E/CN.7/L.345/Add.19)
[not reproduced]

Chapter IX—Plan proposed by the Secretary-General for concerted short-term and long-term action against drug abuse (E/CN.7/L.345/Add.16)
[not reproduced]

The meeting was suspended at 4.15 p.m. and resumed at 4.50 p.m.

The CHAIRMAN invoked rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council and invited the Commission to adopt the draft report as a whole, with all the amendments made thereto.

The draft report of the Commission on its twenty-fourth session (E/CN.7/L.345 and Add.1-20 and corrigenda), as amended, was adopted.

OTHER BUSINESS
[not reproduced]

CLOSURE OF THE SESSION

After the customary exchange of courtesies, the CHAIRMAN declared the twenty-fourth session of the Commission closed.

The meeting rose at 6 p.m.

3. Chapter X of the report of the Commission on Narcotic Drugs on its twenty-fourth session,* including the text of Commission resolution 1 (XXIV)

AMENDMENT OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961¹⁰³

560. The Commission discussed the question of the amendment of the Single Convention on Narcotic Drugs, 1961.

561. It had before it a letter dated 18 March 1971 addressed to the Secretary-General of the United Nations by the Permanent Representative of the United States of America to the United Nations, a memorandum from the Government of the United States of America concerning the amendments proposed by it to the Single Convention on Narcotic Drugs, 1961,¹⁰⁴ and the amendments by Sweden, France and Peru, together with statements of the reasons therefor,¹⁰⁵ which were proposed during the session and were submitted in the first instance to the Commission, before being circulated formally.

562. On 18 March 1971, the Government of the United States had transmitted to the Secretary-General, in accordance with article 47 of the 1961 Convention, the text of its proposed amendments and the reasons therefor. On 20 May 1971, the Economic and Social Council, to which the question had been referred, adopted resolution 1577 (L), in which it decided "to call, in accordance with Article 62, paragraph 4, of the Charter of the United Nations, a conference of plenipotentiaries to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961". The resolution further requested the Commission on Narcotic Drugs "to study at its twenty-fourth session proposals for amendments to the Single Convention, taking into con-

* Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 2 (E/5082), pp. 117-131.

¹⁰³ Agenda item 10 (see E/CN.7/SR. 694, 695, 708, 709, 710, 711, 712, 713, 715, 719, 720 and 721).

¹⁰⁴ E/4971 and Add.1.

¹⁰⁵ E/CN.7/540 and Add.1, E/CN.7/542, E/CN.7/543.

sideration the need to ensure the effectiveness of control of both natural and synthetic drugs, with a view to submitting comments as appropriate to the Conference; these comments would be fully taken into account by the Conference".

563. The Commission first considered the mandate given to it by the Economic and Social Council in the above-mentioned resolution. Since the Council had decided to call a conference of plenipotentiaries, the Commission did not discuss that point. The Council had, however, given the Commission the task of studying proposals for amendments, with a view to submitting comments as appropriate to the Conference.

564. The resolution stated that the Conference of Plenipotentiaries was to consider "all amendments proposed to the Single Convention", and the Commission therefore had to consider all amendments brought to its attention. Some representatives expressed the view that the provisions of Council resolution 1577 (L) were not in complete conformity with the procedure laid down in article 47 of the Single Convention, which required the text of amendments to be communicated to the Secretary-General, who then communicated them to the Parties and to the Council. Basing itself on an opinion of the Office of Legal Affairs, which referred to the terms of the Council resolution, and considering its role as a functional commission of the Council, the Commission concluded that it could study and submit comments on all amendments submitted to it by Governments through the Secretary-General in the person of his representative at the twenty-fourth session. For practical reasons, however, the Commission decided by 15 votes to none, with 7 abstentions, that it would consider only those amendments communicated to the Secretary-General by the evening of 6 October 1971. By that date, the Governments of Sweden, France and Peru had communicated proposals for amendments, together with statements of the reasons therefor; these proposals were, therefore, in addition to the amendments already communicated by the Government of the United States of America.

565. Some representatives stated, however, that it would be impossible for them to comment on amendments proposed during the session, if they were unable to obtain instructions from their Governments on the subject.

566. The Commission considered that the procedure which would best enable it to carry out its task would be to have a full debate and to transmit the records of that debate, together with the relevant portions of the report, to the Conference of Plenipotentiaries.

567. The Commission therefore presented comments and observations on the proposals for amendments to the following articles of the Single Convention:

Article 2: Substances under control (paragraphs 6 and 7): amendment proposed by the United States of America;

Article 10: Terms of office and remuneration of members of the Board (paragraph 1): amendment proposed by France;

Article 12: Administration of the estimate system (paragraph 5): amendments proposed by the United States and France;

Article 14: Measures by the Board to ensure the execution of provisions of the Convention (paragraphs 1 and 2 and new paragraph): amendments proposed by the United States and France;

Article 19: Estimates of drug requirements (paragraphs 1, 2 and 3): amendment proposed by the United States;

Article 20: Statistical returns to be furnished to the Board (paragraphs 1 and 3): amendment proposed by the United States;

Article 24: Limitation on production of opium for international trade (new paragraph 6): amendment proposed by the United States;

Article 27: Additional provisions relating to coca leaves (paragraph 1): amendment proposed by Peru;

Article 36: Penal provisions (paragraphs 1 and 2): amendments proposed by the United States and Sweden;

Article 38: Treatment of drug addicts (title and text): amendment submitted by Sweden.

In addition, the United States proposed the insertion of a *new article numbered 21 bis* and entitled "Limitation of production of opium". (The text of all the proposed amendments and statements of the reasons therefor will be found in annex VII to this report.)

Amendments proposed by the United States of America

568. Since the amendments proposed by the United States of America constituted a whole, the representative of the United States made a statement in which he analysed the reasons for them, and their purpose. He pointed out that the Single Convention had been adopted in order to limit the production and distribution of narcotic drugs to medical and scientific purposes, but in his Government's opinion, that objective had not been achieved, as was demonstrated in particular by the substantial quantities of opium produced for illicit purposes. The Single Convention should, therefore, be amended so as to achieve its basic objective; in his Government's view, that was essential if positive results were to be obtained in the battle against drug abuse, more especially as the abuse of narcotic drugs in 1971 was an incomparably more serious problem than it had been in 1961.

569. To strengthen the Single Convention, the United States proposed a series of amendments designed to strengthen the authority of the International Narcotics Control Board and hence of the international community, and also an amendment intended to facilitate co-operation among Parties with respect to the extradition of traffickers.

570. The representative of the United States considered that, in order to increase the Board's authority, it needed to be given wider access to information and greater possibilities of action. The proposed amendments therefore sought, firstly, by modifying articles 19

and 20, to enable the Board to obtain from the Parties estimates of their intended opium poppy cultivation and opium production and then accurate statistics on such cultivation. Secondly, the Board must have at its disposal all the information it was possible to obtain, and it must therefore be able to draw upon information from sources other than the Governments of countries in which it had reason to believe that the Single Convention was not being applied as firmly as was desirable. Those other sources of information might be individuals or institutions (university research centres, etc.) which were familiar with the problem or still other sources which the Board might consider reliable, it being understood that it would exercise its habitual discretion in the search for such information. Lastly, the Board should be able to propose to the Government concerned that a person or a committee of inquiry, designated by the Board should be sent to the country in question on the understanding that that Government could refuse its consent, but that if it agreed to the proposed inquiry, the latter would be carried out in collaboration with officials designated by it.

571. With regard to the possibilities of action open to the Board, the United States Government had proposed amendments to the Single Convention which were designed to strengthen them. The main purpose was to enable the Board to confirm or modify the estimates submitted by the Parties of their opium poppy cultivation and opium production, to amend the estimates of drug requirements and to require the Parties to observe the estimates so confirmed or modified; in that way it would be possible at one and the same time to make adequate supplies of narcotic drugs for medical and scientific purposes available to the Parties (which was not always the case) and to ensure that all narcotics production by the Parties, and more particularly poppy cultivation and opium production, were in conformity with the world's legitimate requirements, as determined by a body expert in the matter and responsible under the treaties, it being clearly understood that, in examining those estimates, the Board would take into consideration all the factors affecting production.

572. The United States Government had considered it desirable to provide the Board with a still more effective tool—the power to impose an embargo, i.e. to stop, in whole or in part, within ninety days, the import of certain or all drugs, the export of certain or all drugs, or both, from or to the country concerned, either for a designated period or until the Board was satisfied as to the situation in the country against which the embargo was applied. The right to impose an embargo where the situation in a country was found to be dangerous to the international community should be exercised only in extremely serious cases and when all other measures provided for in the treaty had failed to remedy the situation.

573. The United States Government had proposed an amendment to article 36 that was designed to facilitate control of the illicit traffic by strengthening

the provisions relating to extradition in the Single Convention: narcotics offences already enumerated in the Single Convention would immediately become extraditable offences.

574. The representative of the United States said that the amendments proposed by his country had been discussed with more than a hundred Governments; they had received the support of many Governments, but they had also given rise to problems and had prompted suggestions of a technical character which it would be desirable to consider in detail. He referred to two major themes which had emerged from these extensive consultations and to which his Government was fully sympathetic, namely, the importance of including in the various proposals additional safeguards for the legitimate interests of sovereign States, and the importance of linking the Single Convention to sophisticated new tools developed in the fight against drug abuse since 1961, particularly the possibility of empowering the Board under article 14 to recommend to United Nations bodies and institutions, including the United Nations Fund for Drug Abuse Control, ways in which States might be assisted in executing the provisions of the Convention and furthering its objectives.

575. In conclusion, the representative of the United States said that the proposals as a whole should be viewed as an element in the new approach adopted for some time past to the control of drug abuse, and should in fact be combined with such measures as the setting up of the United Nations Fund for Drug Abuse Control. It was clear, in his view, that the present international control system needed improvement; his Government had put forward proposals which it considered useful to that end, but it did not regard them as sacrosanct and hoped that they would be supplemented by other suggestions. In his opinion, it was important to reach a genuine consensus so as to make the Single Convention, as amended, truly meaningful.

Amendments proposed by Sweden

576. The representative of Sweden explained the reasons for, and purposes of, the proposed amendments submitted by his Government. Sweden would like effective international control to be established over all drugs. After concentrating its efforts on the psychotropic substances, it had found that the opiates were beginning to present a problem in its territory, and it therefore supported the efforts being made to strengthen the Single Convention.

577. There must, however, be a balance between control measures and law enforcement, on the one hand, and therapeutic and rehabilitative activity, on the other. For that reason, the Swedish Government had proposed that articles 36 and 38 of the Single Convention should be replaced, *mutatis mutandis*, by the text of articles 22 and 20 of the Convention on Psychotropic Substances. The Government of Sweden considered that the provisions on treatment and rehabilitation in the latter instrument were more in line with modern views on drug abuse than was the Single Convention.

Amendments proposed by France

578. The representative of France, in introducing his amendments, said that France could not depart from the attitude it had taken at the time the 1953 Protocol had been discussed and adopted, when France had not been directly concerned with the problems of drug addiction and had been guided solely by the wish to promote international unity in the campaign against that social scourge. His Government considered that the International Narcotics Control Board had mastered the tasks entrusted to it by the treaties; thus a further step forward could now be taken, and certain amendments to the Single Convention might help to strengthen narcotics control. The widest possible measure of support should, however, be obtained for those amendments.

579. The reason for the proposed French amendment to article 10, under which the term of office of members of the Board would be raised to five years, was that the present period of three years (i.e. six sessions of the Board with the same membership) was too short for members to be able to familiarize themselves with the work. A term of five years, with the possibility of re-election, would ensure greater continuity.

580. The purpose of the proposed French amendment to article 12 would be to strengthen the powers of the Board with regard to the estimates of the consumption, manufacture and stocking of narcotic drugs. In the past, many Governments had taken the Board's unofficial advice and the moment seemed ripe to make that practice official by empowering the Board to modify certain estimates, strictly in accordance with the Convention.

581. The proposed French amendment to article 14 was aimed at strengthening the powers of the Board, experience having indicated that a local investigation or survey of the problem raised either by the impossibility of adequately controlling the diversion of narcotic drugs from the licit trade or by difficulties due to illicit production or manufacture could be very enlightening, not only to other countries, but also to the country concerned. Such a local investigation or survey must in no circumstances infringe national sovereignty.

Amendment proposed by Peru

582. The representative of Peru stated that his Government's proposed amendment to article 27 of the Single Convention was prompted by Peru's concern, as a coca-leaf producing country, to make every effort in its power to prevent illicit traffic in narcotic drugs, particularly cocaine. To that end, it was essential to limit imports of coca leaves to the quantities needed by each importing country to meet its domestic requirements, and thus to prevent the manufacture of alkaloids for export by countries not producing coca.

General considerations

583. The Commission decided by 15 votes to 1, with 7 abstentions, not to set out general considerations in this chapter of its report, but to refer instead to the summary records of the discussions and, in addition, to include as an annex to the report¹⁰⁸ a statement concerning the role of the Board under the treaties, made by the Board's representative in the course of these discussions. Accordingly, only views expressed on specific proposals for amendments are presented in the succeeding paragraphs.

584. The representative of Brazil said he wished to make it clear that he had merely commented on the principles contained in the proposed amendments without in any way prejudging his Government's attitude at the Conference of Plenipotentiaries or attempting to examine the actual text of the amendments.

Consideration of the different amendments proposed

585. The representative of the United States said that the proposed amendment to article 2 was designed solely to enable the provisions relating to opium to be located more easily in the treaty.

586. The Commission then examined the proposed amendment to article 10, which would prolong the *term of office of members of the Board* from three to five years. A number of representatives expressed themselves in favour of that proposal, while others did not feel able to adopt a position for the time being. Still others, while not taking a definite stand, commented on the possible technical difficulties (legal or financial, for example), which might be created by such a prolongation of the term of office. References were also made to the possibility of re-electing members, which had often occurred in the past. The representative of France, again stressing the difficulty of ensuring continuity of work when members could attend for only six sessions, suggested that it might perhaps be possible to raise the membership of the Board to fifteen in view of the increase in the number of States Members of the United Nations and the diversity of present problems in the field of drugs control. It was also suggested that the renewal of the terms of office of members of the Board might be staggered.

587. Extensive comments were made on the proposed amendments on *estimates*, which would extend the estimate system to include the area under opium poppies and the production of opium and would empower the Board to revise estimates submitted by States and also to take into account a previous year's excess production when acting on a subsequent estimate. Several representatives described this "package" of amendments as generally acceptable, while a large number reserved judgement on the total "package" or raised general or technical objections to one or more specific parts. Some of the representatives who expressed opinions appeared to support the extension of the

¹⁰⁸ Annex VIII.

estimate system to the area under poppy cultivation and to the production of opium. A number of them appeared to find the proposed new article 21 *bis*, which would permit the Board to take a previous year's excess into account, generally helpful. Others expressed general support for the concept of permitting the Board in some manner to play a greater role in an expanded estimate system but desired at the same time that safeguards for the legitimate interests of sovereign States should be included.

588. The observer for Argentina said that his Government was in favour of strengthening the powers of the Board. However, the legal aspects had not yet been defined, and the comments made on that subject during the session would be considered by his Government.

589. The representative of India pointed out that opium, if licitly produced and strictly controlled in accordance with the Single Convention, raised no problem. Amendments to the Single Convention would be justified only if the increase in the illicit traffic was due to defects in that instrument; otherwise, the remedy should be sought elsewhere. The answer to the problem of eliminating illicit activity and preventing abuse lay in universal accession to, and strict observance of, the existing instrument. Caution must be exercised before changing the existing provisions, as that might jeopardize their universal acceptance.

590. The representative of Mexico said that the Single Convention contained adequate provisions, some of which established a measure of control over opium production, including the possibility of the Parties furnishing information on the subject to the Board.

591. The representatives of the USSR and Yugoslavia supported the above observations by the representatives of India and Mexico.

592. The general objections raised were to the effect that the amendments would give the Board supra-national power: the Board could not change the will of a State and could not, in fact, apply such a provision without the consent of the Party concerned. This objection was raised in particular by the representatives of Brazil, India, Lebanon, Mexico, Peru, Turkey, the USSR and Yugoslavia, and by the observer for the Philippines. The representative of France emphasized that supra-national power had already been vested in the Board by the existing treaties, and drew attention to the statement by the representative of the Board (see annex VIII).

593. A number of technical objections were also raised. The representatives of Brazil, Egypt and the USSR and the observer for Poland pointed out that establishment of the estimates involved a considerable amount of research by the competent services in each country, and that it was unthinkable that an external expert body, no matter how competent, should be able to modify them.

594. Other representatives observed that to vest such power in the Board might lead to international complications, and that the proposal amounted to esta-

blishing a system of production quotas. The observer for Belgium also expressed reservations on this score. Other representatives drew attention to the great difficulty, if not the impossibility, of establishing estimates for an agricultural crop which was inherently affected by weather conditions, etc. Yet others, including the representatives of India and Yugoslavia, stressed the fact that in any event licit production had very little impact on the illicit traffic and therefore on the fight against drug abuse. The representative of the United States pointed out that illicit diversion from licitly produced opium was at present a major source of the heroin entering the United States and other countries, and that the Single Convention, as articles 14, 18, 22, 35 and 36 made clear, sought to protect the international community against the illicit traffic. The representative of France associated himself with this statement. It was also pointed out that it would be necessary to provide for the possibility of appeal against a modification prescribed by the Board and that the body empowered to pass upon such appeals should therefore be designated.

595. The representative of Japan agreed that it was necessary to take stricter action against the illicit traffic, but said that his country hoped licit production would not suffer from such measures, since it had difficulties even at the present time in obtaining the necessary amount of licit opium; the Conference of Plenipotentiaries should also consider this problem. The observer for Spain associated himself with this view.

596. Replying to the observations of certain delegations, the representative of France said that in view of the provision for supplementary estimates, there was no need to fear a shortage resulting from inadequate estimates; the old idea of establishing buffer stocks might also be adopted; lastly, the Board already drew up estimates for countries which failed to supply them. Describing the effect of the estimates on the illicit traffic, he recalled that, following the entry into force of the 1925 and 1931 Conventions, the licit production of morphine and heroin had dropped by half, which indicated that a considerable proportion of that licit production, undertaken without the knowledge of Governments, had in fact been channelled into the illicit traffic.

597. The representative of the United States said that the Board would be able not only to reduce estimates which it considered exaggerated but also to revise estimates upwards if, on the basis of its review of the world drug situation, it concluded that greater production was necessary to meet a shortage of drugs for medical and scientific needs.

598. The representatives of the United States and France further said that they agreed with the principle of an appeals procedure, and also of a procedure whereby the Board would give explanations to any country whose estimates it had modified. They also agreed with the principle proposed by several delegations that the Board should publish both the estimates established by Governments and the estimates as modified

by the Board. Lastly, under the terms of the amended treaty, the Board might be required to request explanations from the Government concerned before modifying estimates.

599. With regard to the proposed amendments concerning *the Board's access to information*, the opportunity it should be given to make use of all available information, and the matter of holding of local inquiries, the Commission commented on three main points: the value of the information for which Governments would be requested, the use by the Board of information not obtained from government sources, and, lastly, local surveys.

600. On the question of the Board's access to information, the representative of Mexico said that the only information that could validly be taken into account by the Board was information furnished by the Governments of States Parties to the Convention; no other information would be acceptable. With respect to inquiries, he confirmed the position that Mexico had adopted since 1953, namely, that it was not acceptable for such a power to be granted to the Board.

601. A number of representatives expressed doubts concerning the value of the information requested, particularly the estimates of poppy cultivation and opium production. In particular, the representative of Yugoslavia, supported by the representative of India, said that, in his view, it would be impossible to arrive at an accurate estimate of a crop such as opium, since the poppy was a fragile plant, affected by weather conditions and by various insect pests.

602. The representative of the Board said that the additional information required under the proposed amendments concerning the estimates of the areas under poppy cultivation and of opium production, as well as the statistics on the areas under poppy cultivation, was provided for in the 1953 Protocol and had proved very useful.

603. The observer for Argentina supported the United States amendment for the inclusion of new sub-paragraphs (e) and (f) in article 19 of the Single Convention, 1961. It considered that the addition of those sub-paragraphs would be desirable and useful, since they would lead to a fuller and more effective control of poppy cultivation and opium production.

604. The question of non-governmental sources of information gave rise to a considerable number of comments. Some speakers, for example, the representative of Ghana and the observer for Belgium, considered that the Board should be able to draw on any source of information it considered valid. Others considered that that was in fact the procedure already being followed; the representative of France and the representative of Turkey, in particular, said that the Board already used information supplied by ICPO/INTERPOL through the Secretary-General of the United Nations; it would, however, be desirable for such information to be more up to date and not of a

"historical" nature, as was often the case at the present time.

605. The representatives of Brazil, Egypt, India, Pakistan and Yugoslavia, and the observer for the Philippines, on the contrary, thought that the Board could scarcely be authorized to use information from non-official or private sources, and that such a procedure would jeopardize the present good relations between the Board and Governments. The representative of the USSR said he was opposed to authorizing the Board to use any information other than that furnished to it by Governments.

606. The representative of the Board remarked that the situations which arose could be quite complex and, in practice, the Board always approached the Government concerned and proceeded to act on the basis of the information it furnished.

607. The representative of the United States observed that in any event information would be accepted by the Board only if it came from reputable sources. He gave examples of the types of additional governmental and non-governmental sources that could be valuable. He agreed with the representative of Brazil that it was important to protect the confidential aspect of the Board's relationship with States. The proposal of his Government provided that the initial inquiry to a State should be strictly confidential; his Government was prepared to consider ways to make the protection of a State's legitimate interest more explicit. Furthermore, nothing under article 14 in its present or proposed new form would authorize the Board to hire personnel, spend money or send personnel into the territory of a State for the purpose of collecting information except with the agreement of the State concerned.

608. The Commission then discussed the amendments by France and the United States concerning *local inquiries*. The representative of Yugoslavia said that the two amendments were in fact very similar, and reproduced a provision of the 1953 Protocol which had been one of the stumbling-blocks that had prevented a large number of Governments from acceding to that instrument. Consequently, his delegation was opposed to the principle of local inquiries, which had indeed also been rejected by the 1961 Conference. One result of the provisions concerning inquiries had been that the Protocol had been ratified by only 52 countries in 18 years, whereas the Single Convention had already been ratified by 79 countries.

609. The representatives of Hungary, Lebanon, Mexico, Peru and the USSR opposed the principle of local inquiries for reasons of national sovereignty and territorial inviolability. The representative of the USSR also pointed out that the proposed amendment, if adopted, might have substantial financial implications.

610. Replying to the comment by the USSR representative, the representative of France said that the magnitude of the scourge to be combated should suffice to demonstrate that it was preferable to invest money immediately rather than to run the risk of incurring much heavier expenditure at a later stage.

611. The representatives of Brazil, the Federal Republic of Germany, Ghana, Sweden and Turkey acknowledged the assurances given by the sponsors of the proposed amendments that the inquiries should not be regarded as a violation of territory. They said that they would prefer the principles embodied in the amendment submitted by France, which would be more readily acceptable; that amendment provided for prior authorization, made no mention of an inquiry but only of a working party or survey, and lastly, specified that the Board would not request such a survey without first having asked for explanations from the Government concerned; furthermore, it clearly stated that due account would be taken of the constitutional, legal and administrative system of the State concerned.

612. The representative of Egypt raised technical objections to the principle of an inquiry. He found it difficult to see how an investigator would set about the tasks of surveying a vast area under cultivation and determining whether it came within the limits permitted by the Board; furthermore, inquiries into illicit trafficking would involve the mobilization of a large number of investigators at strategic points on the frontier. In his view, existing measures, such as personal visits or official missions by members of the Board or its secretariat to countries where there might be problems, were fully adequate.

613. Further comments were made, in particular, by the representative of Jamaica, who said that once the agreed formalities had been cleared, such inquiries might serve a useful purpose, especially if the terms of reference could be broadened to allow discussions of agricultural, social and other problems. He also asked whether it would be possible for a State to accept an inquiry in principle but to object to a member of the proposed inquiry team.

614. Replying to the question asked by the representative of Jamaica, the United States representative said that the Board could seek to utilize, when the occasion arose, experts from outside its membership but that nothing could be done against the wishes of the Government.

615. Lastly, a number of representatives, including the representative of Yugoslavia, considered that the value of the inquiries would be minimal, as Governments which agreed to them would show the investigators only what they wished them to see.

616. The Commission went on to consider the *compulsory drug embargo* envisaged in the amendment proposed to article 14 by the United States.

617. The representatives of India, Peru and Yugoslavia said they were surprised that the question of a compulsory embargo had been raised again, since the 1961 Conference had clearly shown that it was a measure unacceptable to the great majority of States. In their view, even if the amendment was accepted, it would be impossible to apply it in practice. The representative of the USSR recalled that the proposal for a compulsory embargo had been rejected by an

overwhelming majority of votes at the 1961 Conference. The representative of Jamaica said that he could not envisage any circumstances under which he could support the proposal.

618. Some representatives also expressed their opposition to the principle of a compulsory embargo and drew attention to a number of difficulties. For example, it was pointed out that most of the drugs covered by the Convention were important drugs needed for the treatment of the sick in times of emergency. A number of representatives pointed out that the efficacy of such a measure was illusory in view of the failure of embargoes on trade imposed in certain political situations. Some representatives expressed the view that the mandatory embargo was an exceptional measure in the United Nations system, which should remain the exclusive prerogative of the Security Council.

619. The United States representative said that the changing nature of drug abuse required an intense international co-operative effort. The proposed amendment was designed to provide the Board with an important tool, which it possessed under the 1953 Opium Protocol, to impose a drug embargo on account of a State's flagrant violation of the Convention. The embargo would not be imposed until all other measures had failed, in which case humanitarian considerations should be taken into account. Furthermore, States often bound themselves under commodity agreements to limit imports and exports to specified quantities of goods. The Single Convention resembled such agreements in that nations agreed to accept internationally determined limitations restricting production, import and export to the amounts necessary for scientific and medical use. States should be more willing to accept restrictions under a treaty designed to protect the health and welfare of mankind. In any case, sanctions in that narrow field were for the Parties to determine pursuant to the Convention, and in no way involved the political issues with which the Security Council dealt under the Charter of the United Nations. The vesting in the highly respected Board of authority to impose an embargo would reaffirm that the Parties regarded drug abuse as a deadly threat and that they granted a new mandate to the Board to exercise its supervisory powers with increased vigour.

620. In reply to a question whether the embargo on narcotic drugs—which was compulsory under the 1953 Protocol and recommended by other treaties—had ever been applied, the representative of the Board explained that the appropriate procedures had been initiated in several cases since 1945, but that, as required by the treaties, they had remained confidential. During all this period, the Board had not deemed it necessary to order an embargo. Although it had been faced with difficult situations, it had never had to deal with a State acting in bad faith. He explained that, in the eyes of the Board, a State was acting in "bad faith" when, being in possession of all the facts, it was in a position to take corrective measures but refused

to do so. It was in that context that the highly important question of the means available to Governments arose, as in some cases a country had not reached a level of economic development that enabled it to establish an effective administration for the control of narcotic drugs, while in other cases the Government was not in a position to exercise control over the whole of its territory. If in such circumstances, a State was doing all it could, it was obviously not for the Board to impose sanctions. Moreover, in certain countries, some authorities might be prepared to take all appropriate steps to implement the treaties immediately, while others might prefer to give priority to legitimate national interests and to take gradual measures only. In situations of that kind, the Board had to proceed with some caution in order to strengthen the position of those who favoured action and to avoid making the adoption of measures more difficult.

621. He would not enter into the question of whether there had been any cases of bad faith before 1945, still less engage in speculation regarding the possibility of such a case occurring in the future. The Board could only express views based on its records. It was for Governments to decide whether the situation had changed since 1961 to such an extent as to justify granting the Board greater powers. Those were questions to which only Governments could give an answer; the Board was not empowered by the treaties to take up any position, nor was it qualified to do so.

622. The Commission then considered the question of *extradition*, the subject of the amendment proposed to article 36 by the United States. This amendment sought to strengthen the extradition provisions of the Single Convention by bringing them into line with those of the Convention for the Suppression of Unlawful Seizure of Aircraft adopted at The Hague on 16 December 1970; the narcotics offences already enumerated in the Single Convention would thus become immediately extraditable.

623. The representative of France pointed out that his country maintained in force article 9 of the 1936 Convention, which contained virtually the same provision as the proposed amendment, whereas the Single Convention at present merely expressed a wish with regard to extradition.

624. The representatives of Brazil, Dominican Republic, Egypt, Federal Republic of Germany, France, Japan, Lebanon, Sweden and Yugoslavia expressed agreement with the principle of the United States amendment.

625. The representatives of Ghana, Peru and Turkey said it was impossible for them to take up any position for the time being.

626. A number of representatives made observations on this amendment. The Mexican representative described certain basic principles of criminal law which were designed to safeguard individual rights and which protected the individual and his freedom at both the

judicial and the executive levels. All offences had to be specified by law; no penalty other than that specified by law could be imposed; no penalty might be applied in the absence of an offence; no one might be tried otherwise than by a judge empowered by law; and lastly, no penalty might be imposed otherwise than by trial. Thus the proposed amendment constituted an infringement of the right to personal freedom. Moreover, the undertaking to be required of Parties that all future extradition treaties contracted by them should contain a specific clause relating to illicit drug traffic offences tended to alter the nature and purpose of those treaties.

627. The representative of Mexico also pointed out that drug offences could not be compared with the unlawful seizure of aircraft in commercial service.

628. The representative of the United Kingdom observed that the proposed amendment could present particular difficulties for some countries; for example, there was no exception for trivial offences and in this connexion he drew attention to the provisions of article 9 of the 1936 Convention. There was also the difficulty that drug smuggling offences were revenue or fiscal offences in some countries. Those might not be insuperable obstacles, but it seemed very doubtful whether his Government would be able to exercise the option to extradite on the basis of the Convention to countries with which an extradition treaty had not been concluded. Nevertheless, his Government would study the amendment further in the light of the Commission's discussion.

629. The representative of Canada made the most express reservations regarding the proposed amendment. In his delegation's view, article 36 of the present text was not a provision of a penal character, but rather an exhortation to apply enforcement measures. The proposed amendment would have the effect of making that pseudo-penal provision mandatory, with a definite effect on personal freedom. In his delegation's view, extradition implied arrest, which should take place only in clearly defined circumstances, or an infringement of personal freedom would be involved. Furthermore, his delegation had already tried to demonstrate that some flexibility must be shown in establishing penalties for drug offences, including possession. Canada also desired to avoid an obligation that would be inconsistent with an extradition treaty with the United States which had been prepared and in which possession of narcotics was not included as an extraditable offence.

630. The United States representative expressed gratification at the understanding attitude shown towards the proposed amendment, which, in his Government's view, would have the effect of expediting extradition in cases where bilateral extradition treaties did not mention drug offences as extraditable. Depending on national constitutional practices, the amendment would also permit extradition between States which were not linked by such bilateral treaties. In his Government's view, the proposal in no way constituted a threat to

personal freedoms. Nor did it infringe domestic legislation, since article 36 of the Single Convention required that the constitutional limitations, legal system and domestic law of other countries should be observed. Lastly, it was self-evident that if an offence was not regarded as sufficiently serious, a Party was not obliged to extradite the offender.

631. The Commission then took up the amendments proposed by Sweden. Those amendments concerned the treatment of drug addicts and related to articles 36 and 38 of the Single Convention. A number of representatives expressed support for the principles embodied in the proposed amendments, which, in their opinion, reflected a modern approach to the question and had, moreover, already been incorporated in the 1971 Convention on Psychotropic Substances. Among these representatives were those of Canada, Iran, Turkey and the United States of America. Some representatives, including those of Brazil and France, informed the Commission that their countries had already adopted similar measures to those contemplated in the Swedish proposals. The observer for Argentina supported the amendments proposed by Sweden to articles 36 and 38 of the 1961 Convention, since he considered that they would contribute to a solution of the social aspects of the problem. Other representatives expressed reservations; the representative of Lebanon, while agreeing with the principle, said he thought it should not be interpreted as requiring States to treat users of drugs not producing physical and psychological dependence, such as cannabis. The representative of Jamaica agreed in principle with the Swedish proposal and said it was clear that the new measures proposed would be undertaken within the economic resources and in conformity with the domestic law of Parties. The representative of Peru said it should be shown more clearly that drug addicts might be liable to penal sanctions. The representative of the United Kingdom questioned whether the proposals might not conflict with the provisions of article 33 of the Single Convention prohibiting the possession of drugs except under legal authority.

632. The Commission went on to consider the amendment proposed by Peru, which was designed to limit and control the manufacture of alkaloids derived from coca leaves and to prevent the accumulation of stocks of those alkaloids in various countries. The representative of Peru made it clear that the purpose of the Peruvian amendment was not to prevent imports of coca leaf for internal consumption but to limit the manufacture of alkaloids to national requirements in order to avoid creating a potential source of illicit traffic. A number of representatives, including those of the United States and Sweden, said that the proposed amendment should be carefully studied. They were unable to express any opinion on the actual principle of the proposal. The representative of France, on the other hand, found it difficult to accept the principle of the Peruvian amendment, for, in his opinion, every country was entitled to extract alkaloids from the coca leaves it imported for the purpose of treating the sick.

He did not believe there were any surplus stocks of cocaine in the world; the Board's representative confirmed that that was correct.

633. After the Commission had concluded its discussion of these several amendments, a draft resolution was submitted by Brazil, Canada, the Dominican Republic, the Federal Republic of Germany, France, Ghana, Iran, Peru, Sweden, Switzerland, Togo, Turkey, the United Kingdom and the United States of America.¹⁰⁷ Following preliminary discussions, it was re-introduced by the sponsors in a revised form¹⁰⁸ and this revised text, with oral amendments, was adopted by the Commission by 20 votes to none, with 3 abstentions, as follows:

RESOLUTION 1 (XXIV)

Amendment of the Single Convention on Narcotic Drugs, 1961

The Commission on Narcotic Drugs,

Having regard to resolution 1577 (L) of the Economic and Social Council,

Aware that during the last decade the abuse of drugs has reached critical proportions in some countries and constitutes a menace to which no country can feel immune,

Considering that the international drug abuse problem is dealt with in the case of narcotic drugs in various international treaties, notably in the Single Convention of 1961, and in the case of psychotropic substances in the Convention on Psychotropic Substances, and that past experience ought to be taken into consideration in examining proposed amendments to the Single Convention,

Believing that a review of some of the provisions of the Single Convention is warranted, bearing in mind the purposes of that Convention, and to this end to provide for increased international co-operation and control to eliminate illegal narcotics production and traffic, and

Noting that a number of amendments have already been proposed and that a plenipotentiary Conference has been convened by Council resolution 1577 (L) to consider all amendments proposed to the Single Convention.

1. *Recommends* that Governments of States invited to the plenipotentiary Conference give urgent consideration to the study of all proposals to amend the Single Convention;

2. *Expresses the hope* that all proposals can be made available to the Secretary-General for circulation sufficiently in advance of the plenipotentiary Conference to enable Governments of States invited to study them carefully in preparation for their participation in the Conference; and

3. *Requests* the Secretary-General to transmit to the plenipotentiary Conference the text of the present resolution, together with the relevant parts of the report and the records of the Commission's proceedings at its twenty-fourth regular session on agenda item 10.

¹⁰⁷ E/CN.7/L.344.

¹⁰⁸ E/CN.7/L.344/Rev.1.

4. Text of a statement made by the representative of the International Narcotics Control Board on the role of the Board under the treaties*

STATEMENT MADE BY THE REPRESENTATIVE OF THE INTERNATIONAL NARCOTICS CONTROL BOARD AT THE 710th MEETING OF THE COMMISSION ON NARCOTIC DRUGS (TWENTY-FOURTH SESSION)

The two questions which have been put to the Board can be formulated in the following way: first, is the Board an advisory body to the Commission? Second, do the amendments under discussion radically transform the role and general functions of the Board as defined by the conventions in force?

To these two questions the Board's clear and unequivocal reply is "No". What I shall try to do is to set forth the comments on these two replies as briefly as possible.

The Board is not *the* advisory body of the Commission. Why? Because the members of the Commission are representatives of sovereign States bound by treaties they accept and only by treaties they accept. The members of the Board represent no one. They are international agents whose activities are entirely determined by the treaties. The Board must do what the treaties provide for; it can do nothing outside the treaties. The treaties do not make the Board either the adviser of Governments or the adviser of the Commission. The Board has the more modest—though very important—function of supplying information. Besides, Governments can call upon the advice, not only of all the national bodies at the different levels of the administrative hierarchy, but also of international bodies, and we believe we are right in saying that the treaties make you, Gentlemen, acting collectively, the advisers of Governments.

This does not alter the fact that in providing you with information during your discussions and in our annual reports we are fulfilling a very important function, and that constant co-operation between the Commission and the Board cannot fail to be of benefit to each. From this point of view we are then something less than an advisory body but from another point of view, though we are not the Commission's advisory body, we are something much more than that.

The treaties have made us responsible for supervising their implementation, and hence for judging States and, when the need arises, initiating with regard to them the procedures necessary for ensuring such implementation. That is a very heavy responsibility; and the reason why the Board stands apart, and why the treaties do not permit it to take up a position on the amendments because it has no legislative function, is that it should be careful to keep to the treaties and remain worthy of the confidence of States.

The Board's functions have two basic characteristics: a total dependence on the will of States, expressed

collectively in the treaties, and a total independence, in the implementation of the treaties, towards each State considered individually. In our opinion, it is not possible, therefore, to say that we are the advisory body of the Commission, but we willingly accept, we even claim, the more modest role of its supplier of information.

As regards the second question: do the amendments under discussion radically transform the role and general functions of the Board as defined by the conventions in force? I shall repeat that the reply of the Board is simple, and I shall not give illustrations, because you too will agree that it is in the negative. The amendments carry the line of the existing texts a stage further, so as to strengthen the authority of the Board in the exercise of its judicial functions. Although, as I said before, the Board is not called upon to support or oppose amendments, it is obliged to provide the Commission with information; and since preceding speakers have expressed the wish to concentrate the discussion on important points, we ask your permission to provide you with information concerning a point already raised. The President and the Secretary of the Board have also replied to this, but I should like to return to it. The question is whether the Permanent Central Opium Board and the Board which has succeeded it have applied the procedures provided for in the event of non-implementation of the treaties. To this question, our reply is "Yes". If you ask why this was not made the subject of solemn public declarations, our answer is that we did not make our action public because the treaties—and that is how Governments wanted them to be—have laid down that these procedures should start with phases that must remain confidential, and that thus we have respected the treaties. But then, why did we stop at the first confidential phases, why did we not recommend an embargo? The answer is that not that we were not faced with any situations that called for concern, but, very simply, that between 1945 and the present date, we have not been faced with States acting in bad faith. What is a State acting in bad faith? It is a State which, in a serious matter, and being in possession of full information, prefers its national interests to the fundamental interests of the international community—that entity which exists and really must be called by its proper name—and refuses to take the measures it is in a position to take. It may, of course, be difficult to judge what a State can do. In the case, however, of a State whose stage of economic development does not permit the setting up of a complete modern administration, with all its branches, we understand that there can be no question of taking overnight certain measures which would be within the reach of another State; and sometimes a further problem, the problem of internal security, is added to the problem of development. When a State cannot establish internal security in part or all of its territory, it is not in a situation in which it can be accused of bad faith. For the Board, the essential question is the will to progress. When a State does what it can, our role is not to take sanctions which would have no meaning;

* Reproduced in *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 2 (E/5082), annex VIII.*

and the exercise of control does not consist of a confrontation between an international Board and a State.

Another question is less simple: in all States where there is a drug problem, there are persons in the Government itself who want to advance the anti-drug campaign at any cost; others—on the grounds of legitimate interests—want action to be undertaken only gradually. Lastly, there are some who think, or thought, that the drug question is not important; and when we are faced with a situation of this kind our role is to uphold and support the persons who are convinced of the seriousness of the problem, and to graduate our action in such a way that the undecided join this group. The problem facing your Governments at the present time is perhaps a little more specific.

We are not a body for the mechanical recording of statistics; a computer could fulfil that role. We have powers which States have given us and which come into effect right from the preliminary phases, and it is on account of these powers that we are listened to and that we have some authority.

The question arises whether there were any States that acted in bad faith before 1945, and whether there

could be any in future. We cannot answer this question, because we can only base ourselves on the records, but Governments have more freedom, and the question before them is whether they think the situation is not the same as it was in 1961, and whether they wish to take up positions which demonstrate the seriousness of the question and do not exclude stricter action where necessary.

The question is, therefore, whether, on all these points, Governments think that the time has come to strengthen the authority of the Board even beyond the limits of certain technical formulas which still have to be discussed and precisely defined. The question is whether, in their opinion, the time has now come to show which direction action should take.

These are questions to which Governments must reply today. They are problems on which we do not have the right, under the treaties, to take a position, and moreover, we are not qualified to do so; but we do have the right to welcome the promise that for all States the drug problem will henceforth be viewed from a global and not an individual point of view, and we are convinced that Governments are resolved to turn to action.

C. NOTE VERBALE BY THE SECRETARY-GENERAL DATED 6 DECEMBER 1971, INVITING GOVERNMENTS TO PARTICIPATE IN THE PLENIPOTENTIARY CONFERENCE TO CONSIDER AMENDMENTS TO THE SINGLE CONVENTION

The Secretary-General of the United Nations presents his compliments to

...

and has the honour to inform him that the Conference of plenipotentiaries to consider amendments to the Single Convention on Narcotic Drugs, 1961, convened in accordance with resolution 1577 (L) of the Economic and Social Council dated 24 June 1971, of which a copy is attached, will meet in Geneva at the Palais des Nations from 6 to 24 March 1972. The opening meeting of the Conference on 6 March 1972 will begin at 11 a.m.

In accordance with the resolution of the Council, His Excellency's Government is hereby invited to participate in the Conference. At the same time, attention is drawn to the fact that, should the Conference decide to adopt amendments to the Convention, the resulting instrument would be opened for signature at the end of the Conference, and that should His Excellency's Government wish that instrument to be signed on its behalf at that time, it would be necessary for its plenipotentiary to be provided in advance with full powers of signature.

The Secretary-General would be grateful if His Excellency's Government would confirm to him as soon as possible its intention to participate in the Conference, and also communicate to him the names of its representative, and other members, if any, of its delegation.

The comments of the Commission on Narcotic Drugs called for under paragraph 3 of Council resolution 1577 (L) are contained in chapter X of the Commission's report on its twenty-fourth session, at which it considered proposals for amendments of the Single Convention made by France, Peru, Sweden and the United States of America. The Commission also adopted a resolution on the subject. It decided that the relevant chapter of its report, with related annexes, the summary records of its discussions of the subject matter, and the text of the resolution it had adopted, be transmitted to the Conference.

The Secretary-General will communicate the above-mentioned documents of the Commission on Narcotic Drugs to His Excellency's Government separately by registered airmail.

A draft of provisional rules of procedure for the Conference to be prepared in accordance with paragraph 2 (c) of the Council resolution will also be communicated to His Excellency at a later date, together with a note setting out the organizational arrangements for the Conference.

The Secretary-General will be pleased to give any further information or elucidation about this matter that may be required, and enquiries may be addressed to him at the Division of Narcotic Drugs, United Nations, Geneva (Switzerland).

The Secretary-General takes this opportunity to present to His Excellency the assurances of his highest consideration.

D. LIST OF REPRESENTATIVES AND SECRETARIAT OF THE CONFERENCE**Delegations****AFGHANISTAN***Representative*

Mr. A. S. GHAS, Director of International Relations and United Nations Affairs, Ministry of Foreign Affairs.

ALGERIA*Representative*

M. S. BOUZAR, Pharmacien-inspecteur, chef du bureau des stupéfiants, Ministère de la santé publique, Alger.

Alternate representative

M. K. LOKMANE, secrétaire d'ambassade, Mission permanente, Genève.

Advisers

M. O. BENZITOUNI, attaché d'ambassade, Mission permanente, Genève.

M. A. BOUDEHRI, secrétaire, Mission permanente, Genève.

ARGENTINA*Representative*

S.E. la Señora Dña. A. M. ZAEFFERER DE GOYENECHÉ, ambassadeur, Mission permanente, Genève.

Alternate representatives

Dr. V. V. OLGUÍN, Director de Relaciones Sanitarias Internacionales de la Subsecretaría de Salud Pública;

M. L. A. OLIVIERI, Conseiller, Mission permanente, Genève.

Advisers

Sr. C. N. CAGLIOTTI, Secretario Ejecutivo de la Comisión Nacional de Toxicomanías y Narcóticos;

Sr. R. E. SALA, Comisario Mayor de la Policía Federal Argentina, Buenos Aires;

Capitán de Navío D. A. DURRIEU, Interventor de la Dirección Nacional de Aduanas;

Sr. R. DURRIEU, Abogado-Asesor Penal del Ministerio de Justicia.

AUSTRALIA*Representative*

Mr. K. W. EDMONDSON, First Assistant Director-General, Commonwealth Department of Health.

Alternate representatives

Mr. W. H. BRAY, Head, Legal and Treaties Branch of the Department of Foreign Affairs;

Mr. G. E. SHEEN, Assistant Comptroller-General of Customs.

AUSTRIA*Representative*

S.E. M. E. F. BURESCH, ambassadeur, représentant permanent, Mission permanente, Genève.

Alternate representatives

Dr. E. LINGENS, Federal Ministry for Health and Protection of Environment, Vienna;

Mr. F. MIKL, Secretary of Embassy, Permanent Mission, Geneva;

Mr. H. WINKLER, Attaché, Federal Ministry for Foreign Affairs, Vienna;

Mr. F. OBERMAYER, Director, Federal Ministry for Health and Protection of Environment, Vienna.

BELGIUM*Representative*

S.E. M. C. DE WAERSEGGER, ambassadeur, représentant adjoint de la Belgique à Genève.

Alternate representatives

M. J. BOCQUE, directeur au Ministère des affaires étrangères et du commerce extérieur;

M. B. HUYGHE, inspecteur général au Ministère de la santé publique et de la famille;

M. J. WARNANT, magistrat délégué du Ministère de la justice;

M. J.-C. COX, secrétaire d'administration au Ministère de la justice;

M. R. PHILIPPART DE FOY, attaché, délégation permanente de la Belgique à Genève.

BOLIVIA*Representative*

S.E. M. A. OLMEDO, ambassadeur, représentant permanent auprès de l'Office des Nations Unies à Genève.

Adviser

M. G. DE ACHA, Mission permanente à Genève.

BRAZIL*Representative*

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 Mr. E. G. MISEY, Legal Adviser, United States Mission, Geneva;
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ZAIRE

Representative

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States Members of the United Nations represented at the Conference by observers

CAMEROON

Representative

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DOMINICAN REPUBLIC

Representative

S.E. M. F. HERRERA-ROA, ambassadeur représentant permanent auprès de l'Office des Nations Unies à Genève.

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Representative

Mr. P. S. LAI, Permanent Representative, Malaysia Mission, Geneva.

Alternate representative

Mr. P. S. PHANG, First Secretary, Malaysia Mission, Geneva.

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Representative

Mr. E. SALIBA, Permanent Representative to the United Nations, Mission of Malta, Geneva.

ROMANIA

Representative

M. C. MITRAN, premier secrétaire, Mission de la Roumanie, Genève.

Specialized agencies

WORLD HEALTH ORGANIZATION

Representatives

Dr. V. FATTORUSSO, Division of Pharmacology and Toxicology;
 Dr. D. C. CAMERON, Drug Dependence Unit;
 Dr. T. L. CHRUSCIEL, Drug Dependence Unit;
 Mr. C.-H. VIGNES, Legal Office.

United Nations Fund for Drug Abuse Control

Personal Representative of the Secretary-General

Mr. C. W. A. SCHURMANN.

International Narcotics Control Board*Representatives*

Sir Harry GREENFIELD, President;
 Mr. J. DITTERT, Secretary;
 Mr. S. STEP CZYNSKI, Deputy Secretary;
 Mr. L. MANUECO-JENKINS;
 Mr. L. STEINIG.

Organization having a special agreement with the Economic and Social Council**INTERNATIONAL CRIMINAL POLICE ORGANIZATION***Representative*

M. L. AUBÉ, chef de division, Saint-Cloud.

Other international organizations**BUREAU INTERNATIONAL ARABE DES STUPÉFIANTS
À LA LIGUE DES ÉTATS ARABES***Representative*

General A. A. EL HADEKA, directeur général du Bureau.

Non-Governmental organizations*Category I***LEAGUE OF RED CROSS SOCIETIES***Representatives*

Dr. V. SEMUKHA, Under-Secretary General of the League;
 Dr. H. ZIELINSKI, Chief Health Adviser to the League.

*Category II***INTERNATIONAL CONFERENCE OF CATHOLIC CHARITIES
(CARITAS INTERNATIONALIS)***Representative*

Mr. T. SZMITKOWSKI.

INTERNATIONAL COUNCIL ON ALCOHOL AND ADDICTIONS*Representatives*

Dr. E. J. TONGUE, Assistant Director;
 Mr. N. L. CHAYET, Counsel, Committee for Effective Drug Abuse Legislation.

INTERNATIONAL FEDERATION OF WOMEN LAWYERS*Representative*

Miss H. A. PFANDER.

Secretariat of the Conference

Mr. V. WINSPEARE GUICCIARDI, Under-Secretary-General, Director-General of the United Nations Office at Geneva, Representative of the Secretary-General;
 Dr. V. KUŠEVIĆ, Executive Secretary;
 Mr. G. W. WATTLES, Legal Adviser to the Conference;
 Mr. P. RATON, Deputy Executive Secretary and Deputy Legal Adviser to the Conference;
 Mr. A. LANDE, Consultant;
 Mr. O. J. BRAENDEN, Secretary to Committee I;
 Mr. R. NASSIF, Secretary to Committee II;
 Mr. S. P. SOTIROFF, Secretary to the Drafting Committee;
 Miss L. WALDHEIM, Secretary to the Credentials Committee and Assistant Secretary to Committee I;
 Mr. P. BAILEY, Assistant Secretary to the Plenary and General Committee;
 Mr. J. GOMEZ DEL PRADO, Assistant Secretary to the Plenary and General Committee;
 Mr. A. NOLL, Assistant Secretary to Committee II;
 Miss M. K. SANDWELL, Administrative Assistant and Conference Officer;
 Mrs. I. BOUTHIAUX, Officer responsible for registration and lists of participants;
 Miss C. CSUPOR, Documents Officer;
 Mrs. A. KYRIACOPOULOS, Personal Assistant to the Executive Secretary;
 Miss P. MCBURNEY, Recording Officer.

E. REPORT OF THE CREDENTIALS COMMITTEE**DOCUMENT E/CONF.63/L.8**

[Original text: English]
 [22 March 1972]

1. At its second plenary meeting, held on Tuesday, 7 March 1972, the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961, in accordance with rule 16 of its rules of procedure, appointed a Credentials Committee consisting of the following States: Australia,

Colombia, Cyprus, Dahomey, France, Ireland, Mongolia, Union of Soviet Socialist Republics and the United States of America.

2. The Credentials Committee met on 22 March 1972 and Mr. J. W. Lennon (Ireland) was unanimously elected Chairman.

3. The secretariat reported to the Committee that the following States had submitted to the Executive Secretary credentials for their representatives, issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided in rule 3 of the rules of procedure of the Conference:

Afghanistan	France
Algeria	Gabon
Argentina	Ghana
Australia	Greece
Austria	Guatemala
Belgium	Holy See
Brazil	Hungary
Bulgaria	India
Burma	Indonesia
Burundi	Iran
Byelorussian Soviet Socialist Republic	Ireland
Canada	Israel
Ceylon	Italy
Colombia	Ivory Coast
Costa Rica	Japan
Cuba	Khmer Republic
Cyprus	Kuwait
Czechoslovakia	Laos
Dahomey	Liberia
Denmark	Liechtenstein
Egypt	Luxembourg
El Salvador	Madagascar
Federal Republic of Germany	Mexico
Finland	Monaco
	Mongolia
	Morocco

Netherlands
New Zealand
Nicaragua
Niger
Norway
Pakistan
Panama
Peru
Philippines
Poland
Portugal
Republic of Korea
Republic of Viet-Nam
Saudi Arabia
Sierra Leone
Singapore
South Africa

Spain
Sweden
Switzerland
Thailand
Togo
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Kingdom
United States of America
Uruguay
Venezuela
Yugoslavia
Zaire

4. The secretariat further reported that the following States had furnished provisional credentials in respect of their representatives which did not fully meet the requirements of rule 3 of the rules of procedure:

Bolivia	Kenya
Chile	Lebanon
Ecuador	Libyan Arab Republic
Gambia	Malawi
Haiti	Nigeria
Iraq	Senegal
Jamaica	Sudan
Jordan	Tunisia

5. The Committee accordingly submits the present report to the Conference.

F. ORGANIZATION OF THE CONFERENCE AND PLAN OF WORK

1. Agenda

(a) PROVISIONAL AGENDA

*Document E/CONF.63/1**

[Original text: English]
[12 January 1972]

The Secretary-General of the United Nations has the honour to communicate herewith the provisional agenda for the United Nations Conference to Consider Amendments to the Single Convention on Narcotic Drugs, 1961, which will open at the Assembly Hall of the Palais des Nations, Geneva, at 10.30 a.m. on Monday 6 March, 1972:

1. Opening of the Conference.
2. Election of the President.
3. Adoption of the agenda.
4. Adoption of the rules of procedure.
5. Election of Vice-Presidents.

6. Appointment of the Credentials Committee.
7. Establishment of the main committees (Committee I and Committee II).
8. Appointment of the Drafting Committee.
9. Organization of work.
10. Consideration of all amendments proposed to the Single Convention on Narcotic Drugs, 1961.
11. Adoption of the Final Act and of an instrument or instruments to give effect to the amendments approved by the Conference.
12. Signature of the Final Act and of the instrument or instruments to give effect to the amendments.

(b) AGENDA OF THE CONFERENCE

The provisional agenda was amended at the first plenary meeting of the Conference by the inclusion of an additional item to enable delegations to make general statements with regard to matters of concern to them or to the Conference as a whole. This item was inserted as agenda item 10 (General statements), the original items 10 to 12 being renumbered accordingly. The provisional agenda, as thus amended, was

* Incorporating document E/CONF.63/1/Corr.1.

adopted at the same meeting.¹ The agenda as adopted was as follows:

1. Opening of the Conference.
2. Election of the President.
3. Adoption of the agenda.
4. Adoption of the rules of procedure.
5. Election of Vice-Presidents.
6. Appointment of the Credentials Committee.
7. Establishment of the main committee (Committee I and Committee II).
8. Appointment of the Drafting Committee.
9. Organization of work.
10. General statements.
11. Consideration of all amendments proposed to the Single Convention on Narcotic Drugs, 1961.
12. Adoption of the Final Act and of an instrument or instruments to give effect to the amendments approved by the Conference.
13. Signature of the Final Act and of the instrument or instruments to give effect to the amendments.

2. Organization of the work of the Conference and time-table

Document E/CONF.63/4 and Add.1*

Note by the Secretary-General

[Original text: English]
[10 January 1972
and 29 February 1972]

TERMS OF REFERENCE OF THE CONFERENCE

1. The Conference of plenipotentiaries has been called by the Economic and Social Council "to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961", in accordance with paragraph 1 of Council resolution 1577 (L) of 20 May 1971.

2. The first preambular paragraph of that resolution states "that amendments have been proposed to the Single Convention . . .". At the time the Council adopted this resolution, the amendments that had been proposed were those by the United States of America² circulated to the Council in documents E/4971 and Add.1.

3. In accordance with paragraph 3 of the same resolution, the Commission on Narcotic Drugs, at its twenty-fourth session (27 September-21 October 1971), studied "proposals for amendments to the Single Convention . . ."; in addition to the amendments proposed by the United States of America, proposals for amendments to the Single Convention were received by the Commission from France, Peru and Sweden.³ In accordance with its mandate, the Commission also

studied these amendments, and its comments thereon have been transmitted to the Conference.⁴

4. Proposals for amendments to the Single Convention, in addition to those by the Governments of the four States mentioned above, could be made by the time the Conference begins and in accordance with Council resolution 1577 (L) they would be considered by the Conference. In practical terms, however, the Conference might need to set a formal time-limit for the receipt of new proposals for amendments, and it would not consider proposals made after the day and time determined by it.

5. It might be reasonable to fix such a deadline at the close of business one day towards the end of the first week of the Conference.

6. Governments intending to make new proposals for amendments should communicate them to the *Secretary-General*, at the *Division of Narcotic Drugs, United Nations Office at Geneva*, as early as possible, so that all States participating in the Conference may be informed in advance.

7. On 28 February 1972, the Secretary-General received proposals for amendments, together with an explanatory memorandum transmitted with a *note verbale* signed by the Permanent Representatives to the Office of the United Nations at Geneva, of Denmark, Finland, France, Ghana, Italy, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay and the Permanent Observer of the Federal Republic of Germany. These joint proposals have been circulated to the Conference in document E/CONF.63/5 dated 29 February 1972.⁵

8. In addition, the Secretariat received on 28 February and 29 February 1972 telegrams from the Minister for Foreign Affairs of Cyprus and the Secretary of State for Foreign Affairs of Haiti respectively, indicating that their Governments wished to be associated with the above proposals.

9. The Secretariat was informed by the Governments of France, Sweden, and the United States of America that the amendments submitted by them earlier and discussed at the twenty-fourth session of the Commission on Narcotic Drugs should be regarded as having been superseded by those submitted by them, together with other Governments, and circulated in document E/CONF.63/5. Accordingly in document E/CONF.63/2⁶ the text of amendments in sections A, B and C should be considered to be no longer before the Conference.

ORGANIZATION OF THE CONFERENCE

10. The work of the Conference to fulfil its terms of reference is conducted on the formal basis of its provisional rules of procedure (E/CONF.63/3)⁷ and these rules are subject to adoption by the Conference. It may be noted that the draft rules are based generally

* Incorporating documents E/CONF.63/4/Corr.1 and 2.

¹ See the summary record of the first plenary meeting, reproduced in *Official Records of the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961*, vol. II (United Nations publication, Sales No. E.73.XI.8), p. 2.

² See section B.1, p. 2, above.

³ See section B.1, p. 2, above.

⁴ See section B, p. 1, above.

⁵ See section A.1, p. 95, below.

⁶ See section B.1, p. 2, above.

⁷ See section F.3, p. 88, below.

on those applied at previous plenipotentiary conferences called by the United Nations for the adoption of treaties, including the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, held in New York in 1961, and the United Nations Conference for the Adoption of a Protocol on Psychotropic Substances, held at Vienna in 1971.

11. It is expedient that the rules of procedure be adopted by the Conference at the outset, after the election of the President. This is so because the rules determine fundamental matters of organization such as the credentials of delegations, the election of officers, the appointment of Committees, the manner by which the Conference shall conduct its business, how its records shall be kept, the functions of the Secretariat, etc.

12. The present note is concerned with the organizational structure of the Conference and the method of work it will follow, within the rules of procedure it adopts; this note is also subject to approval by the Conference.

13. The Conference is meeting for three weeks, a duration which was determined at a time when only the amendments by the United States of America had been proposed. These proposals are still the most extensive that are before the Conference, but those submitted by France, Peru and Sweden will also take time for discussion. As postulated in paragraph 4 above, it cannot be excluded that other proposals for amendments may also be made, and may require to be discussed by the Conference. It is clear, therefore, that the three weeks allotted to the Conference need to be used with effect and economy so that the Conference carries out its mandate to consider and decide upon "all amendments proposed".

14. Out of the 15 working days that the Conference has at its disposal, the last 5 would need to be devoted to finalizing any text or texts for adoption, and preparing any resulting document for signature; it is during this time that the texts must be checked for concordance in all languages. The Final Act must also be prepared, and any draft resolutions for adoption by the Conference tabled and discussed.

15. The first day of the Conference will probably be taken up by action on organizational matters such as the election of the President, the adoption of the agenda, the adoption of the rules of procedure, the election of other officers and the establishment of committees.

16. After the opening day, therefore, there will be nine working days, i.e. no more than 36 meetings—two committees would be meeting simultaneously, so that there would generally be 4 meetings daily—with such extra meetings as may be possible, for the Conference to complete its substantive consideration of the proposed amendments before it. (New proposals for amendments other than those already circulated in document E/CONF.63/2, if any are made, should have been received by the end of the first week and their discussion will also have to be completed in the second week of the Conference.)

PLENARY CONFERENCE

17. Final decisions on proposals for amendments to the text of the Convention lie with the Conference meeting in plenary. The subsidiary bodies established by the Conference function under its authority, and their work takes the form of reports and/or recommendations considered and decided upon in plenary.

CREDENTIALS COMMITTEE

18. It is the practice at treaty conferences to establish the Credentials Committee with the same membership as the Credentials Committee at the General Assembly, which consists of the representatives of 9 States. This Committee examines the credentials of delegations to the Conference, rules on connected matters, and its report or reports have to be approved in plenary.

19. Credentials to be submitted to the Committee must be drawn up in accordance with rule 3 of the rules of procedure, to allow for participation in the Conference. Governments intending to have their representative sign any instrument or instruments of amendment adopted by the Conference should, in addition, give them full powers signed by the Head of State, Head of Government, or the Minister for Foreign Affairs.

GENERAL COMMITTEE

20. It will be seen that the provisional rules of procedure, by rule 13, provide for the setting up of a General Committee to assist in the general conduct of the business of the Conference, and to ensure the co-ordination of its work. The General Committee will not be concerned with matters of substance related to the proposals for amendments, but will seek to promote the orderly progress of work, with a view to ensuring the attainment of the objective of the Conference.

21. The General Committee is constituted by the President of the Conference and the Vice-Presidents, with three *ex officio* members mentioned below. It is in the choice of the Vice-Presidents that the Conference ensures balanced geographical distribution among its office-holders, and also provides for the representation of countries which manufacture or produce narcotic drugs, those which are consuming countries, and those where the abuse of and the illicit traffic in such drugs are important problems. The Chairmen of the Drafting Committee and the two main committees referred to below, are co-opted to serve on the General Committee, with the right to vote.

DRAFTING COMMITTEE

22. The work of the Drafting Committee is to prepare texts for final consideration by the Conference, on the basis of substantive decisions taken either in the main committees or in the plenary. As this Committee does not itself take decisions of substance, it is not necessary that all members of the Conference participate in its work and though none is excluded *per se*, it should have a small membership for practical

reasons. It might be composed of those members of delegations, in particular legal advisers, who wish to assist in formulating draft amendments for submission to the Conference. It is desirable that the languages spoken by the members of the Drafting Committee, taken together, include each of the official languages.

23. The Drafting Committee, in the light of the discussion that takes place in plenary, may propose new texts of amendments for renewed consideration by the Conference.

24. It is the responsibility of the secretariat to verify that the versions in the different languages of any texts to be adopted by the Conference are in concordance.

MAIN COMMITTEES

25. It has been proposed in rule 18 of the provisional rules of procedure that two main committees should be established to do the detailed substantive work of the Conference. These two committees, which might be known as Committee I and Committee II, may be composed of representatives of all States participating in the Conference. It will be necessary, however, that the two committees meet simultaneously for the first two weeks of the Conference, and it is likely that some delegations may not be able to be represented in both committees, even though they have the right to attend. This could create some uncertainty about participation, and in particular the quorum and also the voting that might take place. A way of avoiding such uncertainty would be to have the membership of the committees declared on the opening day, a deadline being fixed by the Conference for the admission of additional members, for example from States whose representatives arrived late. As already provided in rule 18 of the provisional rules of procedure, this would be done by having those States which wished to participate in one or both committees signify that they intended to do so to the President by the set date, so that the composition of the committees was clearly established as early as possible. If other participating States wished to attend a committee for which they had not presented their notification within the time-limit, they would be able to do so, but would not have the right to vote.

26. Considering the importance of the work of the main committees, and because they need to meet simultaneously for the first two weeks of the Conference, it is important that as many participating States as possible be represented on both Committees. This requires that delegations be composed in such a way as to allow simultaneous representation on these two bodies during the first two weeks of the Conference.

27. The main committees would therefore consider in detail all the proposals for amendments before the Conference, which would be apportioned between the two committees by the Conference on the recommendation of the General Committee, possibly as follows:

Committee I: It is suggested that this Committee consider the proposals for amendments relating to the

following articles of the Single Convention: articles 2, 9, 10, 12, 14, 16, 19, 20, 21 *bis* (a new article proposed in document E/CONF.63/5) and 24.

Committee II: It is suggested that this Committee consider the proposals for amendments relating to the following articles of the Single Convention: articles 14 *bis* (a new article proposed in document E/CONF.63/5), 27 (document E/CONF.63/2⁸), 35, 36 and 38. This Committee might also consider the text of the preamble to the instrument or instruments adopted to give effect to the amendments approved by the Conference, and that of the final provisions of such an instrument.

28. It is possible that certain amendments may not arouse opposition, and if they are not discussed in either main committee, they will be suitable for direct decision in plenary.

29. Under rule 19 of the provisional rules of procedure, the main committees could set up working groups, which could study any particular matter more closely if required.

FORMULATION OF RECOMMENDATIONS BY THE SUBSIDIARY BODIES

30. The work of the committees may in the best circumstances lead to unanimous recommendations to the plenary. If this should occur, the progress of the Conference in considering and deciding upon the proposed amendments will obviously be facilitated. It may happen, however, that the subsidiary body concerned does not reach unanimous conclusions on some of the tasks assigned to it. In such cases, it might make alternative proposals which would then be thrashed out in plenary, after which guidance would be given to the Drafting Committee regarding the formulation of texts on which the plenary would take a final decision.

31. It is to be hoped that the bulk of the work in plenary will be achieved by consensus, but there may well be cases which have to be resolved by vote in accordance with the rules of procedure.

SECRETARIAT

32. The secretariat will include a Legal Adviser and an Alternate or Assistant Legal Adviser, and among its other duties it will prepare drafts to assist the work of the committees as required.

SEQUENCE OF WORK

33. After the formal opening of the Conference its initial acts would be the following:

- (a) Election of the President;
- (b) Adoption of the agenda;
- (c) Adoption of the rules of procedure;
- (d) Election of Vice-Presidents;
- (e) Appointment of the Credentials Committee;
- (f) Establishment of the main committees and announcement of their membership;
- (g) Appointment of Drafting Committee.

⁸ See section B.1, D, p. 6, above.

34. Once the officers of the Conference had been elected, and the committees established, the plenary would adjourn. The two main committees and the Drafting Committee would hold short meetings, the first two holding simultaneous meetings, and the Drafting Committee meeting quickly after them, in order to elect their Chairmen. These Chairmen being the *ex officio* members of the General Committee, their election would mean that the General Committee was constituted, in accordance with rule 13 of the rules of procedure. This would bring the business of the morning meetings of the first day to an end.

35. The work of the afternoon of the first day would begin with the General Committee going into session at about 3 p.m. to consider the organization of work as proposed in the present note, and, what is most important, to suggest an allocation of the proposals for amendments as between Committee I and Committee II; it would also need to suggest a final date for the receipt of new proposals for amendments other than those before the Conference when it opens, as suggested in paragraph 4 above.

36. The General Committee would aim to complete its business before the end of the first working day. If it succeeded in doing so, the plenary might resume for about an hour in the late afternoon, in order to receive the recommendations of the General Committee, which could be submitted to it orally by the President of the Conference. It may be expected that the recommendations of the General Committee, especially as regards the allocation of work between the two committees, will give rise to some discussions, but without detaining the Conference unduly. In any case, the deliberations in the General Committee on the organization of work must be completed at the afternoon meeting, prolonged if necessary, on the first day. In this case, the second day of the Conference should see the plenary holding a short meeting to adopt a decision on the recommendations of the General Committee, thus clearing the way for the main committees to begin their work, which is basic to the Conference.

37. The Drafting Committee will not need to meet until the end of the week, when it could start working on any proposals for amendments that have been accepted in Committee I or Committee II, which it will put into finished drafts for presentation to the plenary.

38. The Credentials Committee will not be expected to meet until the middle of the second week, when it may hold a brief meeting to approve credentials and make its report thereupon to the plenary.

39. It has been arranged that for the first two weeks of the Conference, two bodies may meet simultaneously, morning and afternoon. After the opening day, it is the main committees that will hold the stage, and it is they who will meet simultaneously for most of the remaining nine working days to the end of the second week of the Conference. During this period, one or the other of them may need to give way to a meeting of the Drafting Committee, in order that proposals

that may have been agreed upon in Committee I or Committee II may be finalized. Towards the end of the second week, the plenary may also need to go into session for two or three full meetings, in order to act on proposals made by the main committees and submitted through the Drafting Committee.

40. If the work of the main committees is successful, and on time, the plenary should be able to take decisions on most of the proposals for amendment which come to it through the Drafting Committee by the end of the second week. If this work is not completed by the end of the first week, including a possible meeting on Saturday 18 March, a slight delay could be absorbed and the plenary could allow itself one or two final meetings for the purpose on Monday 20 March.

41. While the main committees are in session in the first two weeks, allowance being made for some meetings of the Drafting Committee and of the plenary towards the middle of the second week, the Credentials Committee will also need to be accommodated in the meeting schedule, but this should not prove too difficult, since its meeting may be expected to be short.

42. As and when decisions on proposals for amendments are taken by the plenary resulting in approved texts ready for adoption, the secretariat will proceed to prepare the versions in the various languages, which will all be brought together for final adoption as a whole.

43. The plenary should take all its formal decisions, i.e. on the text of amendments, resolutions and the Final Act, at the latest by Wednesday, 22 March; there should be no meeting on Thursday 23 March, so as to allow the secretariat time for the preparation of the final texts. The last plenary meeting should be scheduled for a suitable hour on Friday, 24 March, when any text, or texts, of amendments to the Single Convention will be opened for signature. There will be a ceremony of signature of the Final Act and the text or texts of amendments, following which the Conference will be formally closed.

3. Rules of procedure⁹

Documents E/CONF.63/3 and Add.1

[Original text: English]

[10 January 1972

and 6 March 1972]

Chapter I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1. The delegation of each State participating in the Conference shall consist of an accredited repre-

⁹ At its first plenary meeting, held on 6 March 1972, the Conference decided to amend the text of rules 5 and 8 of the provisional rules of procedure (E/CONF.63/3); the text of the rules as amended was issued in document E/CONF.63/3/Add.1. At the same meeting, the Conference adopted the provisional rules of procedure as thus amended.

sentative and such alternate representatives and advisers as may be required.

Alternates or advisers

Rule 2. An alternate representative or an adviser may act as representative upon designation by the Chairman of the delegation.

Submission of credentials

Rule 3. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary if possible not later than twenty-four hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of the State or Government, or by the Minister of Foreign Affairs.

Provisional participation in the Conference

Rule 4. Pending a decision of the Conference upon their credentials, representatives shall be entitled provisionally to participate in the Conference.

Chapter II

OFFICERS

Elections

Rule 5.¹⁰ The Conference shall elect a President, a first Vice-President and ten Vice-Presidents. These officers shall be elected on the basis of ensuring the representative character of the General Committee provided for in chapter III. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Rule 6. The President shall preside at the plenary meetings of the Conference.

Rule 7. The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 8.¹¹ If the President is absent from a meeting or any part thereof, the first Vice-President shall take his place. If both the President and first Vice-President are absent, the President or the first Vice-President shall appoint one of the Vice-Presidents to take his place.

¹⁰ In the provisional rules of procedure (E/CONF.63/3), the text of rule 5 read as follows:

"Rule 5. The Conference shall elect a President and eleven Vice-Presidents. These officers shall be elected on the basis of ensuring the representative character of the General Committee provided for in chapter III. The Conference may also elect such other officers as it deems necessary for the performance of its functions."

¹¹ In the provisional rules of procedure (E/CONF.63/3), the text of rule 8 read as follows:

"Rule 8. If the President is absent from a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place."

Rule 9. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 10. If the President is unable to perform his functions, a new President shall be elected.

The President shall not vote

Rule 11. The President, or Vice-President acting as President, shall not vote but may appoint another member of his delegation to vote in his place.

Application to committees

Rule 12. The rules of this chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter III

COMMITTEES OF THE CONFERENCE

General Committee—composition

Rule 13. There shall be a General Committee, which shall comprise the President and Vice-Presidents of the Conference, and the Chairmen of the Drafting Committee and of the main committees (see rules 17 and 18). The President of the Conference, or, in his absence, a Vice-President designated by him, shall serve as Chairman of the General Committee.

General Committee—substitute members

Rule 14. 1. If the President or a Vice-President of the Conference finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee.

2. If the Chairman of the Drafting Committee or of one of the main committees finds it necessary to be absent during a meeting of the General Committee, he shall designate a member of his Committee to take his place in the General Committee. A member thus designated shall not have the right to vote if he is of the same delegation as another member of the General Committee.

General Committee—functions

Rule 15. The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

Credentials Committee

Rule 16. A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of nine members, who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Drafting Committee

Rule 17. The Conference shall appoint, on the proposal of the President, a Drafting Committee consisting of fifteen members. The Drafting Committee shall prepare drafts and give advice on drafting as requested by the Conference. It shall co-ordinate and review the drafting of all texts adopted.

Main committees

Rule 18. There shall be two main committees, on which all States participating in the Conference shall have the right to be represented, provided that they so indicate to the President by a date fixed by the Conference.

Other committees

Rule 19. 1. In addition to the committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up sub-committees and working groups.

Rule 20. 1. The members of the committees and working groups of the Conference, referred to in rule 19, paragraph 1, shall be appointed by the President, subject to the approval of the Conference, unless the Conference decides otherwise.

2. Members of sub-committees and working groups of committees shall be appointed by the Chairman of the committee in question, subject to the approval of that committee, unless the committee decides otherwise.

*Chapter IV**SECRETARIAT**Duties of the secretariat*

Rule 21. 1. The Executive Secretary, appointed by the Secretary-General of the United Nations, shall act in that capacity at all meetings. He may appoint another official to act in his place in his absence.

2. The Executive Secretary shall provide and direct such staff as is required by the Conference, shall be responsible for making necessary arrangements for meetings and generally shall perform other work which the Conference may require.

Statements by the secretariat

Rule 22. The Executive Secretary or an official designated by him may make or written statements concerning any question under consideration.

*Chapter V**CONDUCT OF BUSINESS**Quorum*

Rule 23. 1. The President may declare a meeting open and permit the debate to proceed when repre-

sentatives of at least one third of the States participating in the Conference are present.

2. The Chairman of a committee, sub-committee or working group may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States members of that organ are present.

3. The presence of a majority of the members shall be required for any decision to be taken.

General powers of the President

Rule 24. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order, and, subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the debate on the question under discussion.

Speeches

Rule 25. No person may address the Conference without having previously obtained the permission of the President. Subject to rules 26 and 27, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 26. The Chairman or Rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.

Points of order

Rule 27. During the discussion of any matter, a representative may raise a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. The representative raising a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 28. The Conference may limit the time to be allowed to each speaker and the number of times each

representative may speak on any question. Before a decision is taken, two representatives may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative has spoken for his allotted time, the President shall call him to order without delay.

Closing of list of speakers

Rule 29. During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Adjournment of debate

Rule 30. During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 31. A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Suspension or adjournment of the meeting

Rule 32. During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment.

Order of procedural motions

Rule 33. Subject to rule 27, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) For the closure of the debate on the question under discussion.

Proposals and amendments

Rule 34. Proposals and amendments thereto shall normally be introduced in writing and handed to the

Executive Secretary of the Conference, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated, or have only been circulated the same day.

Decisions on competence

Rule 35. Subject to rule 33, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Withdrawal of motions

Rule 36. A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be re-introduced by any representative.

Reconsideration of proposals

Rule 37. When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

Invitations to technical advisers

Rule 38. The Conference may invite to one or more of its meetings any person whose technical advice it may consider useful for its work.

Application to committees

Rule 39. The rules of this chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter VI

VOTING

Voting rights

Rule 40. Each State represented at the Conference shall have one vote.

Required majority

Rule 41. 1. Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. Any appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. All decisions of a committee, sub-committee or working group shall be taken by a majority of the members present and voting.

Meaning of the expression "representatives present and voting"

Rule 42. For the purpose of these rules, the phrase "representative present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 43. The Conference shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President.

Conduct during voting

Rule 44. 1. After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The President may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

2. For the purpose of this rule, "voting" refers to the voting on each individual proposal or amendment.

Division of proposals and amendments

Rule 45. A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 46. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed there-

from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 47. If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Elections

Rule 48. All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 49. 1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot the votes of a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If in the second ballot a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with paragraph 1 above.

Rule 50. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the votes of a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 51. If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Application to committees

Rule 52. The rules of this chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter VII

LANGUAGES AND RECORDS

Official and working languages

Rule 53. Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. English, French and Spanish shall be the working languages.

Interpretation from official languages

Rule 54. Speeches made in any of the official languages shall be interpreted into the other official languages.

Interpretation from other languages

Rule 55. Any representative may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the secretariat may be based on the interpretation given in the first official language.

Summary records

Rule 56. Summary records of the plenary meetings of the Conference and of its committees shall be kept by the secretariat. They shall be sent as soon as possible to all representatives, who shall inform the secretariat, within three working days after their circulation, of any changes they wish to be made in the summary records.

Language of documents and summary records

Rule 57. Documents and summary records shall be made available in the working languages.

Chapter VIII

PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of committees

Rule 58. The plenary meetings of the Conference and the meetings of the committees shall be held in public unless the body concerned decides otherwise.

Meetings of sub-committees or working groups

Rule 59. As a general rule, meetings of a sub-committee or working group shall be held in private.

Communiqué to the press

Rule 60. At the close of any private meeting, a communiqué may be issued to the press through the Executive Secretary.

*Chapter IX*OBSERVERS FOR STATES NOT PARTICIPATING
IN THE CONFERENCE*Rights of observers for States*

Rule 61. A State which has been invited to the Conference but which is not participating in it through an accredited representative may appoint an observer to it. The name of the observer shall be communicated without delay to the Executive Secretary, if possible not later than twenty-four hours after the opening of the Conference. Such observers shall have the right to participate in the deliberations of the Conference and of those committees, sub-committees and working groups to which they are invited by the President, the Conference, the Chairman of the body in question, or that body itself. These observers shall not have the right to vote but may submit proposals, which may be put to the vote at the request of any delegation participating in the Conference or other body as the case may be.

*Chapter X*PARTICIPATION OF SPECIALIZED AGENCIES, OTHER INTER-
GOVERNMENTAL BODIES, AND NON-GOVERNMENTAL
ORGANIZATIONS*Rights of representatives and observers*

Rule 62. 1. Representatives of the World Health Organization, other specialized agencies interested in the matter and the International Narcotics Control Board may participate in the deliberations of the Conference and its committees, sub-committees and working groups with respect to items of concern to their respective organizations, with the same rights as they have at sessions of the Economic and Social Council.

2. Observers for the International Criminal Police Organization may participate in the deliberations of the Conference and its committees, sub-committees and working groups with the same rights as they have at sessions of the Commission on Narcotic Drugs.

3. Observers for other international organizations invited to the Conference, or non-governmental organizations in consultative status with the Economic and Social Council, may also be permitted by the Conference to sit at public meetings of the Conference, its committees, sub-committees and working groups. At the invitation of the President, the Conference, the Chairman of any other body in question, or that body itself, the observers for these organizations may orally or in writing address the Conference or those bodies on any subject indicated in the invitation.

Chapter XI

AMENDMENT

Amendment of Rules of Procedure

Rule 63. These rules of procedure may be amended by a decision of the Conference taken by a majority of the representatives present and voting.

PART TWO

Main Conference documents

A. AMENDMENTS PROPOSED TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1. Joint proposals for amendments

DOCUMENTS E/CONF.63/5 AND ADD.1-7

Proposals submitted by the following countries: Argentina, Brazil, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Indonesia, Iran, Ireland, Italy, Khmer Republic, Laos, Nicaragua, Norway, Pakistan, Panama, Sweden, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela¹

[Original text: English]
[29 February 1972]

EXPLANATORY MEMORANDUM

1. The sponsors consider that, as the twenty-fourth session of the Commission on Narcotic Drugs concluded, drug abuse has reached critical proportions in some countries and constitutes a menace from which no nation can feel immune. The plenipotentiary Conference

¹ On 28 February 1972, the Secretary-General received the text of these proposals, together with an explanatory memorandum and a note verbale signed by the Permanent Representatives to the Office of the United Nations at Geneva of Denmark, Finland, France, Ghana, Italy, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, and the Permanent Observer of the Federal Republic of Germany to the Office of the United Nations at Geneva.

In addition, the Secretariat received on 28 February and 29 February 1972, telegrams from the Minister for Foreign Affairs of Cyprus and the Secretary of State for Foreign Affairs of Haiti respectively, indicating that their Governments wished to be associated with these proposals.

The names of the States which subsequently joined as sponsors of the proposals were communicated to the Conference in the documents listed below, issued on the dates shown:

- 7 March 1972, E/CONF.63/5/Add.1: Argentina, Cyprus, Greece, Haiti, Iran, Laos, Thailand;
- 7 March 1972, E/CONF.63/5/Add.2: Costa Rica, El Salvador, Panama;
- 9 March 1972, E/CONF.63/5/Add.3: Indonesia, Ireland;
- 13 March 1972, E/CONF.63/5/Add.4: Guatemala, Khmer Republic, Nicaragua;
- 17 March 1972, E/CONF.63/5/Add.5: Brazil;
- 22 March 1972, E/CONF.63/5/Add.6: Colombia, Pakistan, Venezuela;
- 7 April 1972, E/CONF.63/5/Add.7: Togo.

which is to be convened on 6 March 1972 is an opportunity to advance significantly international co-operation against drug abuse. The sponsors recognize that amendments to the Single Convention on Narcotic Drugs, 1961, if they are to be meaningful, must command wide acceptance. They have developed the following package of amendments through extensive consultations among themselves and with other States in various regions of the world and believe that these amendments can become the basis for such a consensus.

2. This package includes amendments to the following parts of the Single Convention:

(a) Articles 9, 10 and 16 relating to the organization and functions of the International Narcotics Control Board;

(b) Articles 12 and 19, and a new article 21bis relating to annual estimates of cultivation of opium poppies and production of opium;

(c) Article 14 and a new article 14bis relating to measures to be taken by the International Narcotics Control Board to ensure the execution of the provisions of the Single Convention;

(d) Article 20 relating to statistical information on opium production to be made available to the International Narcotics Control Board;

(e) Articles 22 and 35 relating to further measures to be taken by States against illegal drug activity and to the provision of significant information on such activity to the International Narcotics Control Board and the Commission on Narcotic Drugs;

(f) Article 24 relating to the production of opium and the sale of opium seized in the illicit traffic;

(g) Articles 36 and 38 relating to penal provisions including extradition, and measures of treatment, rehabilitation and education to be undertaken by States.

3. The sponsors believe that the procedure and means by which amendments to the Single Convention are to be brought into force should be carefully studied by experts in the appropriate body of the plenipotentiary Conference. They suggest, as a preliminary observation, that all amendments adopted by the Conference might be included in a protocol, which, when ratified by a designated number of States, would enter into force for those States. However, those provisions of the pro-

tocol which relate to articles 9, 10 and 16 might be considered to assume general applicability with respect to the organization of the International Narcotics Control Board at the time the protocol enters into force.

4. The texts of the proposals are given hereunder. The portions of these texts in italics represent modifications proposed to the text of the Single Convention.

Article 2—Substances under control

...

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of articles 19, 21*bis*, 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in articles 19, 20, 21*bis*, 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.

...

Article 9—Composition and functions of the Board

1. The Board shall consist of *thirteen* members to be elected by the Council as follows:

...

(b) *Ten* members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

...

4. The Board, in exercising its functions under this Convention, shall endeavour to limit the cultivation, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes, and to prevent illicit cultivation, production, manufacture or trafficking in narcotics.

Article 10—Terms of office and remuneration of members of the Board

1. The members of the Board shall serve for a period of five years, and shall be eligible for re-election. Elections for members nominated in accordance with article 9 (1) (a) shall be held every fifth year. Elections for members nominated in accordance with article 9 (1) (b) shall be held every year. In the first election for members nominated in accordance with article 9 (1) (b), two members shall be chosen for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years.

...

Article 12—Administration of the estimate system

...

5. The Board, with a view to limiting the use and distribution of narcotic drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter will have the right to establish, communicate and publish its own estimates, including supplementary estimates, required by article 19 (1) (e) and (f), which will be considered authoritative for a year in which the provisions of article 21*bis* (3) are invoked.

...

Article 14—Measures by the Board to ensure the execution of provisions of the Convention

1. (a) If, on the basis of its examination of information submitted by Governments to the Board or of information communicated by United Nations organs or specialized agencies or by other organizations approved by the Commission on the recommendation of the Board, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of any country or territory to carry out the provisions of this Convention, or that there is a danger of any country or territory becoming an area important for illicit cultivation, production, manufacture, traffic, or use, the Board shall have the right to ask the Government in question for an explanation or consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, it shall treat as confidential a request for information or an explanation by a Government or consultations with a Government under this sub-paragraph, and it shall convey to the Government concerned, and only the Government concerned, the information communicated to it other than by a Government or by United Nations organs or specialized agencies on which such a request is based.

...

(c) The Board may, if it thinks such action necessary for the purposes of clarifying the situation, request the Government concerned to consent to the sending of a representative of the Board or a working party appointed by it to the country or territory in question. Before making such a request, the Board, in accordance with sub-paragraph (a) above, must have asked the Government of the country or territory concerned for an explanation or consultations. If the Government does not reply within a period of four months to the request for a visit, such failure to reply shall be regarded as a refusal. Upon such a refusal, the Board can only resort to the means of action conferred upon it by this Convention. If the Government gives its express consent to the request, the visit shall be conducted in collaboration with officials appointed by the Government and in conformity with modalities and terms of reference jointly acceptable to the Government and the Board, due account being taken of the constitutional, legal and administrative system of the State concerned.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations or grant consultations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or has declined a request made under sub-paragraph (c) above, it may call the attention of the Parties, the Council and the Commission and the General Assembly of the United Nations to the matter and submit appropriate recommendations. The Board shall so act if it considers that the situation has not been satisfactorily resolved within one year from the initiation of a request under sub-paragraph (a) above or if it considers that there is *prima facie* evidence that the situation entails an exceptionally grave threat to the aims of this Convention.

2. The Board, when calling the attention of the Parties, the Council, the Commission and the General Assembly to a matter in accordance with paragraph 1 (d) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

...

Article 14bis—Technical and financial assistance to promote more effective execution of provisions of the Convention

In appropriate cases and either in addition to or as an alternative to measures set forth in article 14, the Board, in consultation with the Government concerned, may recommend to the competent United Nations authorities, including the World Health Organization, that technical and financial assistance be provided to countries in support of their efforts more effectively to carry out their obligations under this Convention, including the measures set out in article 38.

Article 16—Secretariat

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.

Article 19—Estimates of drug requirements

1. ...

(e) Area (in hectares) to be cultivated for the opium poppy; and

(f) Quantity of opium to be produced.

2. *(a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug except opium shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.*

(b) Subject to the deductions referred to in paragraph 3 of article 21 bis, the total of the estimates for each territory and opium shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.

3. *Any Government may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.*

...

Article 20—Statistical returns to be furnished to the Board

1. ...

(f) Stocks of drugs as at 31 December of the year to which the returns relate; and

(g) Cultivation of the opium poppy.

2. ...

3. *The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.*

Article 21 bis—Limitation of production of opium

1. *The quantity of opium produced by any country or territory in any one year shall not exceed the estimate of opium produced established under paragraph 1 (f) of article 19.*

2. *From the quantity specified in paragraph 1 there shall be deducted any quantity that has been seized and released for*

licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

3. *If the Board finds, on the basis of information at its disposal in accordance with a provision of this Convention, that the quantity of opium produced in any one year, whether licitly or illicitly, exceeds the quantity specified in paragraph 1, less any deduction required under paragraph 2, and that the excess went into illicit traffic, or that opium licitly produced in any one year has been diverted into illicit traffic, it may, ninety days after notifying the Government concerned as envisaged in paragraph 4 below, deduct all or a portion of an excess or an amount so established from the quantity to be produced and from the total of the estimate as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium.*

4. *If the Board prepares to act in accordance with paragraph 3 above, it shall notify the Government concerned and shall endeavour to consult with the Government concerned in order to resolve the situation satisfactorily.*

5. *(a) Within ninety days of its receipt of the notification envisaged in paragraph 4 above, the Government concerned may refer the situation for final decision to an Appeals Committee which the Secretary-General, after consultation with the Director-General of the World Health Organization and the President of the International Court of Justice, shall appoint. The Appeals Committee shall consist of three members and two alternates who will command general respect by their competence, impartiality and disinterestedness.*

(b) The Appeals Committee shall within ninety days of receiving a request from a Government decide whether the Board may act as it has proposed in accordance with paragraph 3 above. The Government and the Board shall be entitled to be heard by the Appeals Committee before a decision is taken. The Appeals Committee shall base its decision on the information which the Government and the Board present to it.

(c) Subject to the requirements of paragraph 5 (b) above, the Appeals Committee shall adopt its own rules of procedure. The terms of office of the members of the Appeals Committee shall be five years, and any member shall be eligible for re-appointment. Vacancies shall be filled in accordance with the procedures set out in paragraph 5 (a) above. The members shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Appeals Committee.

6. *In exercising its discretion under paragraph 3 above, the Board shall take into account all relevant circumstances, including in particular the extent to which an excess may have been due to weather factors, the actual use made of an excess, and any relevant control measures which may have been adopted by the Government subsequent to the excess or the diversion.*

Article 22—Special provision applicable to cultivation

Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation and seize and destroy illicit cultivation.

Article 24—Limitation on production of opium for international trade

...

4. ...

(b) Notwithstanding sub-paragraph (a) of this paragraph, a Party may import opium produced by any country which pro-

duced and exported opium during the ten years prior to 1 January 1961 if such country has established and maintains a national control organ or agency for the purposes set out in article 23 and has in force an effective means of ensuring that the opium it produces is not diverted into the illicit traffic. Likewise, a Party may, consistent with the requirements of this Convention, import opium seized in the illicit traffic from a State which is not a Party which has requested and received endorsement to engage in the transaction from the Board, which shall make its decision on the basis of all relevant factors, including the effect the proposed transaction may have on national and international efforts to prevent illicit production of and traffic in narcotic drugs.

5. ...

6. All production, export and import of opium under the provisions of this article shall be subject to the provisions of articles 12, 14, 19, 21 and 21 bis.

Article 35—Action against the illicit traffic

...

(f) Furnish to the Board and the Commission, as they deem appropriate, in addition to the information required by articles 12, 13, 18, 19, 20 and 27, information relevant to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and traffic; and

(g) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request, and the Board may offer its services to Parties to assist them in furnishing this information.

Article 36—Penal provisions

1. (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of narcotic drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

2. ...

(b) (i) Each of the offences enumerated in paragraphs 1 and 2 (a) (ii) shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii).

Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (a) (ii) as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and, notwithstanding sub-paragraphs (b), (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

...

Article 38—Measures against the abuse of narcotic drugs

1. The Parties shall give special attention to and take all practicable measures for the prevention of abuse of narcotic drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to those ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of narcotic drugs.

3. The Parties shall assist persons whose work so requires to gain an understanding of the problems of abuse of narcotic drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such drugs will become widespread.

2. Other proposals for amendments submitted to the plenary Conference

1. The other amendments proposed to the text of the Single Convention on Narcotic Drugs, 1961, which were submitted to the plenary Conference appear in the following documents:

E/CONF.63/6 amendment to article 27 proposed by Peru;

E/CONF.63/L.1 amendment to the preamble proposed by Afghanistan;

E/CONF.63/L.2 amendment to article 2, paragraph 4, proposed by Austria, Belgium, France, the Federal Republic of Germany, Italy, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Togo and Turkey;

E/CONF.63/L.3 amendment to article 9 proposed by France, India, Togo and the United States of America.

2. The text of these proposals is reproduced in sections C.1 and D.1 below, together with the other texts considered by Committee I and Committee II respectively.

B. DRAFT RESOLUTIONS AND DRAFT FINAL ACT

1. Draft resolution on the secretariat of the International Narcotics Control Board

DOCUMENT E/CONF.63/L.4

Text of the draft resolution contained in document E/CONF.63/C.2/L.9, as approved by Committee II at its 12th meeting

[Original text: French]
[16 March 1972]

SECRETARIAT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD

The Conference,

Considering that the measures adopted by the Economic and Social Council in its resolution 1196 (XLII) of 16 May 1967 (1464th plenary meeting) met the wishes of the States Parties to the Single Convention on Narcotic Drugs, 1961, and to the earlier conventions still in force;

Recommends the continuation of the system which was instituted by the Secretary-General of the United Nations and whose main provisions are as follows:

1. The International Narcotics Control Board (hereinafter referred to as the Board) has a secretariat distinct from the Division of Narcotic Drugs;

2. That secretariat is an integral part of the Secretariat of the United Nations; while under the full administrative control of the Secretary-General, it is bound to carry out the decisions of the Board;

3. The members of the secretariat are appointed or assigned by the Secretary-General; the head of that secretariat is appointed or assigned in consultation with the Board.

2. Draft resolution on technical assistance in narcotics control

DOCUMENT E/CONF.63/L.7

Afghanistan and Ivory Coast: draft resolution²

[Original text: French]
[16 March 1972]

TECHNICAL ASSISTANCE IN NARCOTICS CONTROL

The Conference,

Recalling that assistance to developing countries is a concrete manifestation of the will of the international community to honour the commitment contained in the United Nations Charter to promote the social and economic progress of all peoples;

Recalling the special arrangements made by the United Nations General Assembly under its resolution

1395 (XIV) with a view to the provision of technical assistance for drug abuse control;

Welcoming the establishment by the United Nations General Assembly, in its resolution 2719 (XXV), of a United Nations Fund for Drug Abuse Control;

Noting that the Conference has adopted a new article 14 bis concerning technical and financial assistance to promote more effective execution of the provisions of the Single Convention on Narcotic Drugs;

1. *Declares* that, to be more effective, the measures taken against drug abuse must be co-ordinated and universal;

2. *Declares further* that the fulfilment by the developing countries of their obligations under the Convention calls for adequate technical and financial assistance from the international community.

3. Draft resolution on social conditions and protection against drug addiction

DOCUMENTS E/CONF.63/L.6 AND REV.1

Holy See: draft resolution

[Original text: English/French]
[16 and 22 March 1972]

SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION

The Conference,

Recalling that the preamble to the Single Convention on Narcotic Drugs, 1961, states that the Parties to the Convention are "concerned with the health and welfare of mankind" and are "conscious of their duty to prevent and combat" the evil of drug addiction;

Considering that the discussions at the Conference have given evidence of the desire to take effective steps to prevent drug addiction;

Considering that, while drug addiction leads to personal degradation and social disruption, it happens very often that the deplorable social and economic conditions in which certain individuals and certain groups are living predispose them to drug addiction;

Recognizing that social conditioning has a certain and sometimes preponderant influence on the behaviour of individuals and groups;

Recommends that the Parties:

1. Should bear in mind that drug addiction is often the result of an unwholesome social atmosphere in which those who are most exposed to the danger of drug abuse live;

2. Should do everything in their power to combat the spread of illegal practices which are conducive to the illicit use of narcotic drugs;

3. Should develop leisure and other activities conducive to the physical and psychic health of young people.

² This draft was based on the principle contained in the amendment proposed by Afghanistan to the preamble of the Single Convention on Narcotic Drugs (E/CONF.63/L.1) (see section D.1, p. 111, below); this principle was accepted unanimously by Committee II at its 13th meeting.

4. Draft Final Act of the Conference

DOCUMENT E/CONF.63/L.9

[Original text: English]
[23 March 1972]

DRAFT FINAL ACT OF THE UNITED NATIONS CONFERENCE TO CONSIDER AMENDMENTS TO THE SINGLE CONVEN- TION ON NARCOTIC DRUGS, 1961

1. The Economic and Social Council of the United Nations, noting that amendments had been proposed to the Single Convention on Narcotic Drugs, 1961, and bearing in mind article 47 of that Convention, decided by its resolution 1577 (L) of 21 May 1971 to call, in accordance with Article 62, paragraph 4 of the Charter of the United Nations, a conference of plenipotentiaries to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961.

2. The United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961, met at the United Nations Office at Geneva from 6 to ... March 1972.

3. The following ... States were represented by representatives at the Conference:

Afghanistan	Hungary
Algeria	India
Argentina	Indonesia
Australia	Iran
Austria	Iraq
Belgium	Ireland
Bolivia	Israel
Brazil	Italy
Bulgaria	Ivory Coast
Burma	Jamaica
Burundi	Japan
Byelorussian Soviet Socialist Republic	Jordan
Canada	Kenya
Ceylon	Khmer Republic
Chile	Kuwait
Colombia	Laos
Costa Rica	Lebanon
Cuba	Liberia
Cyprus	Libyan Arab Republic
Czechoslovakia	Liechtenstein
Dahomey	Luxembourg
Denmark	Madagascar
Ecuador	Malawi
Egypt	Mexico
El Salvador	Monaco
Federal Republic of Germany	Mongolia
Finland	Morocco
France	Netherlands
Gabon	New Zealand
Gambia	Nicaragua
Ghana	Niger
Greece	Nigeria
Guatemala	Norway
Haiti	Pakistan
Holy See	Panama
	Peru
	Philippines

Poland
Portugal
Republic of Korea
Republic of Viet-Nam
Saudi Arabia
Senegal
Sierra Leone
Singapore
South Africa
Spain
Sudan
Sweden
Switzerland
Thailand

Togo
Tunisia
Turkey
Ukrainian Soviet
Socialist Republic
Union of Soviet
Socialist Republics
United Kingdom
United States of America
Uruguay
Venezuela
Yugoslavia
Zaire

4. The following States were represented by observers at the Conference:

Cameroon	Malta
Dominican Republic	Romania
Malaysia	

5. The Economic and Social Council, by its resolution 1577 (L), requested the Secretary-General to invite to the Conference the World Health Organization and other interested specialized agencies, the International Narcotics Control Board and the International Criminal Police Organization. The World Health Organization, the International Narcotics Control Board and the International Criminal Police Organization were represented at the Conference.

6. The Conference elected Mr. K. B. Asante (Ghana) as President of the Conference, Mr. D. Nikolić (Yugoslavia) as First Vice-President, and as the other Vice-Presidents the representatives of the following States:

Argentina	Union of Soviet
Egypt	Socialist Republics
France	United Kingdom of
India	Great Britain and
Lebanon	Northern Ireland
Mexico	United States of America
Turkey	

7. Mr. V. Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, was the representative of the Secretary-General of the United Nations. The Executive Secretary of the Conference was Mr. V. Kušević, the Legal Adviser to the Conference was Mr. C. Wattles and the Deputy Executive Secretary and Deputy Legal Adviser was Mr. P. Raton.

8. The Conference had before it the amendments to the Single Convention on Narcotic Drugs, 1961, which were proposed by States participating in the Conference.

9. The Conference set up the following committees:

General Committee

Chairman: the President of the Conference

Committee I

Chairman: Mr. R. A. Chapman (Canada)

Committee II

Chairman: Dr. B. Bölcs (Hungary)

Drafting Committee

Chairman: Dr. J.-P. Beneschinger (Switzerland)

Credentials Committee

Chairman: Mr. J. W. Lennon (Ireland)

10. Committee I established a working group on article 14, the Chairman of which was Mr. A. C. Kirca (Turkey).

11. As a result of its deliberations, as recorded in the summary records of the plenary Conference and Committees I and II, the Conference adopted and opened

for signature the Protocol amending the Single Convention on Narcotic Drugs, 1961. In addition, the Conference adopted ... resolutions, annexed to this Final Act.

Done at Geneva, this ... day of March; one thousand nine hundred and seventy-two, in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. The original text shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the representatives have signed this Final Act.

C. TEXTS RELATING TO THE CONSIDERATION BY COMMITTEE I* OF ARTICLES 9, 12, 14, 19, 20, 24 AND 35 OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 AND THE PROPOSED ARTICLE 21 BIS

1. Texts considered by Committee I

ARTICLE 9

DOCUMENT E/CONF.63/C.1/L.24

India: amendments to the joint proposals in document E/CONF.63/5

[Original text: English]
[13 March 1972]

Article 9 (Composition and functions of the Board)

Paragraph 4

Insert the words "in agreement with the countries concerned", between the word "shall" and the word "endeavour";

Delete the words "to an adequate amount required";

Delete the words "to ensure their availability for such purposes";

Add the words "in co-operation with Governments" after the word "narcotics" at the end of the paragraph.

DOCUMENT E/CONF.63/C.1/L.25

United States of America: amendments to the Indian proposals in document E/CONF.63/C.1/L.24

Article 9 (Composition and functions of the Board)

Paragraph 4

Delete the phrase "in agreement with the countries concerned";

Add the phrases "subject to the terms of this Convention", "to an adequate amount required" and "to ensure their availability for such purposes";

* Committee I, established by the Conference in accordance with rule 18 of its rules of procedure, was asked by the Conference at its second, fourth and fifth plenary meetings to consider the amendments to article 9, paragraphs 4 and 5, articles 12, 14, 19, 20, 24 and 35 and the proposed article 21bis, and to prepare texts for submission to the Drafting Committee.

In the present section, the proposed texts are given in the numerical order of the articles of the Convention to which they refer.

Replace the word "narcotics" with the word "drugs" in the appropriate places, so that the amended text of the paragraph reads as follows:

The Board, subject to the terms of this Convention, shall endeavour to limit the cultivation, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes, and to prevent illicit cultivation, production, manufacture or trafficking in drugs, in co-operation with Governments.

DOCUMENT E/CONF.63/L.3

France, India, Togo and United States of America: amendment to the Single Convention on Narcotic Drugs, 1961

[Original text: English]
[13 March 1972]

Article 9 (Composition and functions of the Board)

Add the following new paragraph:

5. All measures undertaken by the Board within the framework of this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

ARTICLE 12

DOCUMENT E/CONF.63/C.1/L.8

Togo: amendment to the joint proposals in document E/CONF.63/5

[Original text: French]
[8 March 1972]

Article 12 (Administration of the estimate system)

Paragraph 5

Redraft the second sentence to read as follows:

In case of a disagreement between the Government and the Board, the latter will have the right to establish, communicate and publish its own estimates, including supplementary estimates, which will be considered authoritative for a year in which the Board invokes the provisions of article 21bis, paragraph 3.

DOCUMENT E/CONF.63/C.1/L.14

Togo: revised text of the amendment by Togo submitted in document E/CONF.63/C.1/L.8

[Original text: French]
[9 March 1972]

Article 12 (Administration of the estimate system)

Paragraph 5

Amend the second sentence to read as follows:

In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates, which shall be considered authoritative for the year, in particular in the event of the Board having invoked the provisions of article 21bis, paragraph 3.

ARTICLE 14

DOCUMENT E/CONF.63/C.1/L.2

Brazil: amendments to the joint proposals in document E/CONF.63/5

[Original text: English]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (c)

Replace the first sentence of sub-paragraph (c) by the following:

The Board may, if it thinks such action necessary for the purposes of clarifying the situation, request the Government concerned to consent to the sending of a representative of the Board or of a working party, in both cases the person or persons to be subject to mutual agreement.

Delete the fourth sentence of the same sub-paragraph ("Upon such a refusal, the Board can only resort to the means of action conferred upon it by this Convention").

Sub-paragraph (d)

In sub-paragraph (d), delete the words "or has declined a request made under sub-paragraph (c) above".

DOCUMENT E/CONF.63/C.1/L.3

Belgium: amendment to the joint proposals in document E/CONF.63/5

[Original text: French]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

Between the words "of this Convention," and the words "the Board shall have the right" in the first sentence, replace the existing text by the following:

that any country or territory has become an area important for illicit cultivation, production, manufacture, traffic, or use or that there is a danger of its becoming so.

DOCUMENT E/CONF.63/C.1/L.4

Egypt: amendment to the Single Convention on Narcotic Drugs, 1961

[Original text: English]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Add the following two paragraphs to the existing text of the article:

7. The Board may establish arrangements for consultation with non-governmental organizations through the Council in accordance with Article 71 of the Charter of the United Nations.

8. The Board may establish working arrangements or may request information from regional organizations duly recognized by United Nations organs.

DOCUMENT E/CONF.63/C.1/L.5

France: amendments to the joint proposals in document E/CONF.63/5

[Original text: French]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Replace the end of the first sentence of sub-paragraph (d), beginning with the words "it may call", by the following:

it may call the attention of the Parties, the Council and the Commission to the matter and submit appropriate recommendations to them; it may also recommend to the Council that it draw the attention of the General Assembly to such a matter.

Paragraph 2

Delete the words "and the General Assembly" in the first sentence.

DOCUMENT E/CONF.63/C.1/L.6

Turkey: amendments to the joint proposals in document E/CONF.63/5

[Original text: French]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

At the beginning of sub-paragraph (a), replace the word "Governments" by the words "the Government, in accordance with the provisions of this Convention";

In the first sentence, replace the words "or by other organizations approved by the Commission on the recommendation of the Board" by the words "and other inter-governmental organizations or organizations created by public administrations approved by the Commission";

In the same sentence, insert the word "serious" before the word "danger";

Delete the proposed new text at the end of the sub-paragraph, commencing with the words "or consultations with a Government".

Sub-paragraph (c)

At the end of the first sentence of sub-paragraph (c), add the words "and approved by the Government concerned";

Delete the third and fourth sentences.

Sub-paragraph (d)

In the first sentence, delete the words "or has declined a request made under sub-paragraph (c) above";

In the same sentence, delete the words "and the General Assembly of the United Nations";

At the end of the same sentence, delete the words "and submit appropriate recommendations".

Delete the last sentence of the sub-paragraph.

Paragraph 2

Delete the words "and the General Assembly".

DOCUMENT E/CONF.63/C.1/L.7

Federal Republic of Germany: amendment to the joint proposals in document E/CONF.63/5

[Original text: English]
[8 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (d)

Delete the second sentence of sub-paragraph (d) and substitute the following:

The Board shall so act if it considers that the situation has not been satisfactorily resolved within one year from the initiation of a request under sub-paragraph (a) above and if it considers that there is *prima facie* evidence that the situation entails an exceptionally grave threat to the aims of this Convention.

DOCUMENT E/CONF.63/C.1/L.10

Brazil: amendment to the joint proposals in document E/CONF.63/5

[Original text: English]
[9 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

In the first sentence, replace the words "by other organizations approved by the Commission" by the words "organizations in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations".

DOCUMENT E/CONF.63/C.1/L.11

Switzerland: amendments to the joint proposals in document E/CONF.63/5

[Original text: French]
[9 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (c)

Replace the present text of the sub-paragraph by the following:

The Board may, if it thinks such action necessary for the purposes of clarifying the situation, request the Government concerned to carry out, on behalf of the Board and under its guidance, inspections in the country or territory concerned and to submit, within a period of four months, a report containing its findings and indicating the measures it contemplates taking.

Sub-paragraph (d)

A consequential amendment should be made to this sub-paragraph.

DOCUMENT E/CONF.63/C.1/L.23

Text of article 14, paragraph 1, proposed by the Working Group of Committee I*

[Original text: English]
[13 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

1. (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by other intergovernmental organizations and international non-governmental organizations which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has reason to believe that the aims of the present Convention are seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of the Convention, it shall have the right to propose the opening of consultations to the Government concerned or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it will become an important centre of illicit cultivation, production, manufacture, traffic or consumption of narcotics, the Board has the right to propose to the Government concerned the opening of the consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the

* Established, at the 5th meeting of Committee I, held on 9 March 1972, to consider the amendments to article 14 of the Single Convention.

Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information, or an explanation furnished by the Governments, or a proposal for consultations and the consultations held with a Government under the present sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) The Board may, if it thinks such action necessary for the purpose of assessing the matter, propose to the Government concerned to have a study of the matter carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons made available by the Board should have the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by mutual consultations between the Government and the Board. The Government concerned shall communicate to the Board the findings of the study and the remedial measures that it considers it necessary to take.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or that there is a serious situation that needs co-operative remedial action at the international level, it may at any time call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and if it has not been possible to resolve the matter satisfactorily. It shall also so act if it considers that bringing a serious situation to the notice of the Parties, the Council and the Commission is the most appropriate method of solving the said situation by co-operative remedial action at the international level. After considering the reports of the Board, and of the Commission, if available, on the matter, the Council may draw the attention of the General Assembly to the matter.

DOCUMENT E/CONF.63/C.1/L.26

Mexico: amendment to the text of article 14, paragraph 1, proposed by the Working Group in document E/CONF.63/C.1/L.23

[Original text: French/Spanish]
[14 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

Amend the beginning of sub-paragraph (a) in the text proposed by the Working Group to read as follows:

If information submitted by Governments to the Board, or information communicated by other international intergovernmental organizations which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, constitute proof, indications or objective grounds for presuming that the aims of the present Convention

DOCUMENT E/CONF.63/C.1/L.27

India: amendments to the text of article 14, paragraph 1, proposed by the Working Group in document E/CONF.63/C.1/L.23

[Original text: English]
[14 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

In the first sentence of the text proposed by the Working Group:

Delete the words "and international non-governmental organizations which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council";

In the same sentence, replace the words "shall have the right to propose the opening of consultations to" by the words "may take up the matter with";

Delete the word "to" occurring between the word "or" and the words "request it to furnish explanations";

In the second sentence, replace the word "will" before the words "become an important centre" by the word "may";

Make a separate paragraph of the second sentence, starting with the words "If, without ...";

In the second sentence, replace the words "the Board has the right to propose to the Government concerned the opening of the consultations" by the words "the Board may draw the attention of the Government concerned to this danger".

DOCUMENT E/CONF.63/C.1/L.29

India: further amendment to the text of article 14, paragraph 1, proposed by the Working Group in document E/CONF.63/C.1/L.23 (supplementing the amendments in document E/CONF.63/C.1/L.27)

[Original text: English]
[14 March 1972]

Article 14 (Measures by the Board to ensure the execution of provisions of the Convention)

Paragraph 1

Sub-paragraph (a)

At the end of the first sentence of the text proposed by the Working Group, in addition to deleting the

words "shall have the right to propose the opening of consultations to", also delete the words "the Government concerned or to request it to furnish explanations", and replace this part of the sentence with the following text:

... it may take up the matter with the Government concerned, with a view to resolving the matter satisfactorily. It shall also have the right to request that Government to furnish explanations.

ARTICLE 19

DOCUMENT E/CONF.63/C.1/L.1

Venezuela: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[8 March 1972]

Article 19 (Estimates of drug requirements)

Paragraph 1

Add the following sub-paragraphs:

(g) The number of industrial establishments synthesizing narcotic drugs;

(h) The production figures which will be attained by each of the establishments referred to in the preceding sub-paragraph.

DOCUMENT E/CONF.63/C.1/L.16

Sub-amendments to the joint proposals in document E/CONF.63/5, submitted by the sponsors of those proposals

[Original text: English]
[10 March 1972]

Article 19 (Estimates of drug requirements)

Paragraph 2

Sub-paragraph (b)

Add the following text at the end of the sub-paragraph:

The relevant estimates shall be appropriately modified to take into account any quantity seized and thereafter released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

Paragraph 2 of article 21 *bis* should in consequence be deleted.

DOCUMENT E/CONF.63/C.1/L.17

Argentina: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[10 March 1972]

Article 19 (Estimates of drug requirements)

Paragraph 1

Sub-paragraph (e)

Before the semi-colon, insert the words "and its geographical location".

DOCUMENT E/CONF.63/C.1/L.18

Switzerland: amendment to the joint proposals in document E/CONF.63/5

[Original text: French]
[10 March 1972]

Article 19 (Estimates of drug requirements)

Paragraph 1

Sub-paragraph (e)

After the words "for the opium poppy" and before the semi-colon, insert the words "with a view to the production of opium and morphine".

DOCUMENT E/CONF.63/C.1/L.22

Venezuela: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[13 March 1972]

Article 19 (Estimates of drug requirements)

Paragraph 2

Add the following new sub-paragraph:

(c) Subject to the deductions referred to in paragraph 3 of article 21*bis*, the total of the estimates for each territory for synthetic drugs shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.

ARTICLE 21 *bis*

DOCUMENT E/CONF.63/C.1/L.9

Italy: amendment to the joint proposals in document E/CONF.63/5

[Original text: French]
[9 March 1972]

Article 21 *bis* (Limitation of production of opium)

Paragraph 5

Amend paragraph 5 to read as follows:

5. (a) Within ninety days of its receipt of the notification envisaged in paragraph 4 above, the Government concerned and the Board may refer the situation for final decision to the President of the International Court of Justice, with a request that he appoint an Arbitration Committee consisting of three members and two alternates who will command general respect by their competence, impartiality and disinterestedness.

(b) The Arbitration Committee shall within ninety days of receiving a request from a Government decide whether the Board may act as it has proposed in accordance with paragraph 3 above. The Government and the Board shall be entitled to be heard by the Arbitration Committee before a decision is taken. The Arbitration Committee shall base its decision on the information which the Government and the Board present to it.

(c) Subject to the requirements of paragraph 5 (b) above, the Arbitration Committee shall adopt its own rules of procedure. The terms of office of the members of the Arbitration Committee shall be five years and any member shall be eligible for

reappointment. Vacancies shall be filled in accordance with the procedure set out in paragraph 5 (a) above. The members shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Arbitration Committee.

DOCUMENT E/CONF.63/C.1/L.12

Turkey: amendments to the joint proposals in document E/CONF.63/5

[Original text: French]
[9 March 1972]

Article 21 bis (Limitation of production of opium)

Paragraph 3

Replace the words "with a provision" by the words "with the provisions";

Insert the following passage between the word "Convention," and the word "that":

after studying the explanations of the Government concerned, which shall be submitted to it within one month after notification of the finding in question,

Delete the words "ninety days after notifying the Government concerned as envisaged in paragraph 4 below,";

Add the following sentence at the end of paragraph 3: This decision shall take effect 90 days after the Government concerned is notified thereof.

Paragraph 4

Amend paragraph 4 to read as follows:

4. After notifying the Government concerned of the decision it has taken under paragraph 3 above with regard to a deduction, the Board shall consult with that Government in order to resolve the situation satisfactorily.

Paragraph 5

Sub-paragraph (a)

Amend the first sentence in paragraph 5, sub-paragraph (a), to read as follows:

5. (a) Without prejudice to the consultations provided for in paragraph 4 above, the Government concerned may, within 90 days after receiving the notification provided for in the said paragraph 4, refer the situation for final decision to an Appeals Committee appointed by the President of the International Court of Justice after consultation with the Secretary-General of the United Nations and the Director-General of the World Health Organization.

Paragraph 6

Replace the words "In exercising its discretion" by the words "In taking its decision with regard to a deduction".

DOCUMENT E/CONF.63/C.1/L.13

Venezuela: amendments to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[9 March 1972]

Article 21 bis (Limitation of production of opium)

Paragraph 1

Replace the text of the paragraph by the following:

1. The quantity of opium produced by any country or territory in any one year shall not exceed the estimate, established under article 19, paragraph 1, sub-paragraph (f), of the annual average quantity of opium produced by the said country or territory in the last five years.

Paragraph 3

Delete the words "whether licitly or illicitly,".

DOCUMENT E/CONF.63/C.1/L.15

Panama: amendments to the joint proposals in document E/CONF.63/5

[Original text: French/Spanish]
[9 March 1972]

Article 21 bis (Limitation of production of opium)

Paragraph 2

Amend the phrase "any quantity that has been seized and released for licit use" to read as follows:

a part of the total quantity that has been seized and must be released for licit use.

Paragraph 4

Replace the words "endeavour to consult" by the words "hold consultations".

DOCUMENT E/CONF.63/C.1/L.19

Amended text of article 21bis submitted by the sponsors of the joint proposals in document E/CONF.63/5, including the text of paragraph 1 adopted by Committee I at its 6th meeting and taking into account the amendments submitted by Italy (E/CONF.63/C.1/L.9) and Turkey (E/CONF.63/C.1/L.12)

[Original text: English]
[10 March 1972]

Article 21 bis (Limitation of production of opium)

Paragraphs 1-3

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (f) of article 19 has not limited opium produced in its territory to legitimate purposes in accordance with relevant estimates and that a significant amount of opium produced in the territory of such a Party, whether licitly or illicitly, has been introduced into the illicit traffic, it may, after studying the explanations of the Government concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimate as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished,

taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Government concerned is notified thereof.

3. After notifying the Government concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Government in order to resolve the situation satisfactorily.

Paragraph 4³

First alternative

4. (a) Within ninety days of its receipt of the notification envisaged in paragraph 3 above, the Government concerned may refer the situation for final decision to an Appeals Committee which the Secretary-General, after consultation with the Director-General of the World Health Organization and the President of the International Court of Justice, shall appoint. The Appeals Committee shall consist of three members and two alternates who will command general respect by their competence, impartiality and disinterestedness.

(b) The Appeals Committee shall within ninety days of receiving a request from a Government decide whether the Board may act as it has proposed in accordance with paragraph 2 above. The Government and the Board shall be entitled to be heard by the Appeals Committee before a decision is taken. The Appeals Committee shall base its decision on the information which the Government and the Board present to it.

(c) Subject to the requirements of paragraph 4 (b) above, the Appeals Committee shall adopt its own rules of procedure. The terms of office of the members of the Appeals Committee shall be five years, and any member shall be eligible for reappointment. Vacancies shall be filled in accordance with the procedures set out in paragraph 4 (a) above. The members shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Appeals Committee.

Second alternative

4. (a) Within ninety days of its receipt of the notification envisaged in paragraph 3 above, the Government concerned and the Board may refer the situation for final decision to the President of the International Court of Justice, with a request that he appoint an Arbitration Committee consisting of three members and two alternates who will command general respect by their competence, impartiality and disinterestedness.

(b) The Arbitration Committee shall within ninety days of receiving a request from a Government decide

whether the Board may act as it has proposed in accordance with paragraph 2 above. The Government and the Board shall be entitled to be heard by the Arbitration Committee before a decision is taken. The Arbitration Committee shall base its decision on the information which the Government and the Board present to it.

Third alternative

4. (a) Without prejudice to the consultations provided for in paragraph 3 above, the Government concerned may, within 90 days after receiving the notification provided for in the said paragraph 3, refer the situation for final decision to an Appeals Committee appointed by the President of the International Court of Justice after consultation with the Secretary-General of the United Nations and the Director-General of the World Health Organization.

Paragraph 5

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account all relevant circumstances, including the extent to which the illicit traffic problem referred to in paragraph 2 above may have been due to weather factors and any relevant new control measures which may have been adopted by the Government.

DOCUMENT E/CONF.63/C.1/L.28

Sub-amendment to the text of article 21bis submitted in document E/CONF.63/C.1/L.19 by the sponsors of the joint proposals in document E/CONF.63/5

[Original text: English]

[14 March 1972]

Article 21bis (Limitation of production of opium)

Paragraph 4

Replace the three variations of paragraph 4 in document E/CONF.63/C.1/L.19 by the following new text:

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

DOCUMENT E/CONF.63/C.1/L.30

India: sub-amendments to the amendments in document E/CONF.63/C.1/L.19

[Original text: English]

[16 March 1972]

Article 21bis (Limitation of production of opium)

Amend the title of the article to read as follows:

Limitation of production of opium and manufacture of synthetic drugs.

Add, after paragraph 3, a new paragraph 3bis, to read as follows:

3 bis (a) The manufacture of synthetic drugs in any country or territory shall be organized and controlled in such manner as to ensure that as far as possible the quantity manufactured in any one year shall not exceed the estimate of synthetic drugs to be manufactured as established under paragraph 1 (h) of article 19.

³ The three alternative texts for paragraph 4, all of which were acceptable to the sponsors, comprise, first the original text of paragraph 5 of the article as submitted in document E/CONF.63/5, secondly the text of the Italian amendment in document E/CONF.63/C.1/L.9 and thirdly the text of the Turkish amendment in document E/CONF.63/C.1/L.12, with appropriate amendments to the paragraph numbers mentioned in the text.

(b) If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under article 19, paragraph 1 (h), has not limited synthetic drugs manufactured in its territory to legitimate purposes in accordance with relevant estimates and that a significant amount of synthetic drugs manufactured in the territory of such a Party, whether licitly or illicitly, has been introduced into the illicit traffic, it may, after studying the explanations of the Government concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimate as defined in paragraph 2 (c) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account contractual commitments to export synthetic drugs. This decision shall take effect ninety days after the Government concerned is notified thereof.

(c) After notifying the Government concerned of the decision it has taken under sub-paragraph (b) above with regard to a deduction, the Board shall consult with that Government in order to resolve the situation satisfactorily.

ARTICLE 24

DOCUMENT E/CONF.63/C.1/L.21

Costa Rica: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[13 March 1972]

Article 24 (Limitation on production of opium for international trade)

Paragraph 4

Add the following sub-paragraphs:

(c) It is recommended that the money received by the exporting Party should be used exclusively for rehabilitation work and narcotics control. The Board shall, of course, make its decision on the basis of all relevant factors, including the effect the proposed transaction will have on national and international efforts to prevent illicit production of and traffic in narcotic drugs.

(d) It is recommended that, to encourage efficient control, the international organizations should consider the establishment of a fund from which the Board may grant the selling country an award proportional to the amount of opium sold.

ARTICLE 35

DOCUMENT E/CONF.63/C.1/L.20

Costa Rica: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[13 March 1972]

Article 35 (Action against the illicit traffic)

Add the following text:

2. It is recommended that, likewise having due regard to their constitutional, legal and administrative systems, the Parties should, with the technical assistance of the Board if they desire it, promote:

(a) The adoption of simultaneous measures for education against drug abuse and for the control of any activity or

advertising which explicitly, subtly or by omission incites to the consumption of drugs;

(b) The establishment in the territory of every Party of national centres to deal with the stages of rehabilitation and prevention in relation to drug consumption;

(c) The conclusion between the Parties of regional conventions providing for the establishment of regional centres for investigation, education, co-ordination and control in the matter of narcotic drugs.

2. Texts approved by Committee I and submitted for consideration by the Drafting Committee (E/CONF.63/C.1/L.31 and Add.1-6)

1. At its 15th meeting, Committee I approved the text of article 19 (E/CONF.63/C.1/L.31); at its 17th meeting, it approved the text of article 14, paragraph 1, (E/CONF.63/C.1/L.31/Add.1); at its 18th meeting, it approved the text of article 21bis (E/CONF.63/C.1/L.31/Add.2); at its 19th meeting, it approved the text of article 9, paragraphs 4 and 5, and article 12 (E/CONF.63/C.1/L.31/Add.3) and article 20 (E/CONF.63/C.1/L.31/Add.4); at its 21st meeting, it approved the text of article 35 (E/CONF.63/C.1/L.31/Add.5); at its 22nd meeting, it approved the text of additional provisions to amend the Single Convention and referred to the Drafting Committee the question of determining the appropriate place to insert them (the articles in which insertion was considered being articles 35 and 38) (E/CONF.63/C.1/L.31/Add.6).

2. The texts approved by Committee I and submitted to the Drafting Committee for consideration in the numerical order of the articles of the Convention, were the following:

[E/CONF.63/C.1/L.31/Add.3]

Article 9

COMPOSITION AND FUNCTIONS OF THE BOARD

4. The Board, subject to the terms of this Convention, shall endeavour to limit the cultivation, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes, and to prevent illicit cultivation, production, manufacture or trafficking in drugs, in co-operation with Governments.

5. All measures undertaken by the Board within the framework of this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

[E/CONF.63/C.1/L.31/Add.3]

Article 12

ADMINISTRATION OF THE ESTIMATE SYSTEM

1. The Board shall fix the date or dates by which and the manner in which the estimates as provided in article 19 shall be furnished and shall prescribe the forms therefor.

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions of this Convention.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board, in establishing such estimates, shall, to the extent practicable, do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it considers necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board, with a view to limiting the use and distribution of narcotic drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter will have the right to establish, communicate and publish its own estimates, including supplementary estimates.

6. In addition to the reports mentioned in article 15, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the carrying out of this Convention.

[E/CONF.63/C.1/L.31/Add.1]

Article 14

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF PROVISIONS OF THE CONVENTION

1.4 (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by other intergovernmental organizations and international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of the present Convention are seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of the Convention, it shall have the right to propose the opening of consultations to the Government concerned or to request it to furnish explanations.⁴ If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production, manufacture, traffic or consumption of

⁴ The attention of the Drafting Committee was drawn to the fact that Committee I agreed at its 17th meeting that the amendments to paragraph 1 would necessitate a minor change in paragraph 2 of article 14 in the text of the Single Convention: the words "paragraph 1 (c)" should be amended to read "paragraph 1 (d)".

⁵ The attention of the Drafting Committee was drawn to an amendment (see E/CONF.63/C.1/L.27) requesting that a separate paragraph be made of the part of the text beginning with the words "If, without...". Committee I agreed at its 16th meeting to refer this question to the Drafting Committee.

narcotics, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information, or an explanation furnished by a Government, or a proposal for consultations and the consultations held with a Government under the present sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) The Board may, if it thinks such action necessary for the purpose of assessing the matter, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons made available by the Board should have the approval of the Government.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or that there is a serious situation that needs co-operative remedial action at the international level,⁶ it may at any time call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily.⁷ It shall also so act if it considers that bringing a serious situation to the notice of the Parties, the Council and the Commission is the most appropriate method of solving the said situation by co-operative remedial action at the international level. After considering the reports of the Board, and of the Commission, if available on the matter, the Council may draw the attention of the General Assembly to the matter.

[E/CONF.63/C.1/L.31]

Article 19

ESTIMATES OF DRUG REQUIREMENTS

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in schedule III, and of substances not covered by this Convention;

⁶ The attention of the Drafting Committee was drawn to the Spanish text. It was pointed out that the Spanish translation of the words "a serious international situation that needs co-operative remedial action at the international level" did not fully reflect the meaning of the English text. Committee I agreed at its 17th meeting that the versions in all languages should be aligned with the English text.

⁷ The attention of the Drafting Committee was drawn to a request made in Committee I that a separate paragraph be made of the part of the text beginning with the words "It shall also so act...". Committee I agreed at its 17th meeting to refer this question to the Drafting Committee.

- (c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;
- (d) Approximate quantities of drugs necessary for addition to special stocks;
- (e) Area (in hectares) to be cultivated for the opium poppy and its geographical location;
- (f) Quantity of opium to be produced;
- (g) The number of industrial establishments synthesizing narcotic drugs; and
- (h) The production figures which will be attained by each of the establishments referred to in the preceding sub-paragraph.

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug *except opium* shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) Subject to the deduction referred to in paragraph 3 of article 21 *bis*, the total of the estimates for opium for each territory shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher. The relevant estimates shall be appropriately modified to take into account any quantity seized and thereafter released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

(c) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for synthetic drugs shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.

3. Any State may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 21, the estimates shall not be exceeded.

[E/CONF.63/C.1/L.31/Add.4]

Article 20

STATISTICAL RETURNS TO BE FURNISHED TO THE BOARD

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

- (a) Production or manufacture of drugs;
- (b) Utilization of drugs for the manufacture of other drugs, of preparations in schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;
- (c) Consumption of drugs;
- (d) Imports and exports of drugs and poppy straw;

(e) Seizures of drugs and disposal thereof;

(f) Stocks of drugs as at 31 December of the year to which the returns relate; and

(g) Ascertainable area of cultivation of the opium poppy.

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect of the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. ... [former paragraph 4].

[E/CONF.63/C.1/L.31/Add.2]

Article 21 bis

LIMITATION OF PRODUCTION OF OPIUM

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (f) of article 19 has not limited opium produced in its territory to legitimate purposes in accordance with relevant estimates and that a significant amount of opium produced in the territory of such a Party, whether licitly or illicitly, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Government concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Government in order to resolve the situation satisfactorily.

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances, including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Government.⁸

[E/CONF.63/C.1/L.31/Add.5]

Article 35

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

⁸ The attention of the Drafting Committee was drawn to a suggestion made at the 18th meeting of Committee I that it would be better to insert paragraph 5 between paragraphs 2 and 3. The Committee agreed at the same meeting to refer this suggestion to the Drafting Committee.

(a) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(c) Co-operate closely with each other and with the competent international organizations of which they are members, with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner;

(e) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;

(f) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture traffic and use.

(g) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party, the Board may offer its advice to it in furnishing this information and in

endeavouring to reduce the illicit drug activity in the country in question.

[E/CONF.63/C.1/L.31/Add.6]

[Article 38 bis]⁹

TEXT OF ADDITIONAL PROVISIONS TO AMEND THE SINGLE CONVENTION, APPROVED BY COMMITTEE I AT ITS 22ND MEETING

It is desirable that each Party, as part of its action against the illicit traffic in drugs, having due regard to its constitutional, legal and administrative systems, and, if it so desires, with the technical advice of the Board, should promote:

(a) The adoption of measures to increase education and publicity against the illicit use and traffic in drugs, and to counteract as far as possible all activities and publicity which stimulate the illicit use of and traffic in drugs;

(b) The creation, as far as practicable, of centres concerned with the problems of prevention and social reintegration in relation to the illicit use of and traffic in drugs; and

(c) The establishment, in consultation with other interested parties in the region, of agreements which contemplate the development of regional centres for research and education to combat the problems resulting from the illicit use and traffic in drugs.

⁹ The Drafting Committee subsequently suggested that this text might form a new article to be numbered 38 bis (see part two, section F, p. 125, below).

D. TEXTS RELATING TO THE CONSIDERATION BY COMMITTEE II* OF THE PREAMBLE AND ARTICLES 2, 10, 16, 22, 27, 36 AND 38 OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961 AND THE PROPOSED ARTICLE 14 bis

1. Texts considered by Committee II

PREAMBLE

DOCUMENT E/CONF.63/L.1

Afghanistan: amendment to the Single Convention on Narcotic Drugs, 1961

[Original text: English]
[13 March 1972]

Preamble

Amend the sixth paragraph of the preamble to read as follows:

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action, and that, in

* Committee II, established by the Conference in accordance with rule 18 of its rules of procedure, was asked by the Conference at its second, fourth and fifth plenary meetings to consider the amendments to the preamble, article 2, paragraph 4, article 9 (except paragraphs 4 and 5), article 10, paragraphs 1 and 4, article 11, paragraph 3, article 14, paragraph 6, articles 16, 27, 36 and 38, and the proposed article 14 bis, and to prepare texts for submission to the Drafting Committee.

In the present section, the proposed texts are given in the numerical order of the articles of the Convention to which they refer.

particular, suppression of the illicit traffic requires adequate assistance by the international community to the developing States.

ARTICLE 2

DOCUMENT E/CONF.63/L.2

Austria, Belgium, Federal Republic of Germany, Italy, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Togo, Turkey: amendment to the Single Convention on Narcotic Drugs, 1961

[Original text: English]
[13 March 1972]

Article 2 (Substances under control)

Paragraph 4

Insert before the words "need not apply" the following:

and article 34, sub-paragraph (b), as regards retailers, scientists, scientific institutions and hospitals.

The paragraph will then read:

4. Preparations in schedule III are subject to the same measures of control as preparations containing drugs in schedule II except that article 31, paragraphs 1 (b), and 4 to 15, and article 34 (b) as regards retailers, scientists, scientific

institutions and hospitals need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

ARTICLE 10

DOCUMENT E/CONF.63/C.2/L.1

United Kingdom of Great Britain and Northern Ireland: amendment to the joint proposals in document E/CONF.63/5

[Original text: English]
[8 March 1972]

Article 10 (Terms of office and remuneration of members of the Board)

Paragraph 1

Amend the paragraph to read as follows:

1. The members of the Board shall serve for a period of five years, provided that in the first election six members shall be elected for three years and seven members for five years. Members shall be eligible for re-election. The members whose terms are to expire at the end of the above-mentioned initial periods of three and five years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

ARTICLE 14 bis

DOCUMENT E/CONF.63/C.2/L.3

Turkey: amendment to the joint proposals in document E/CONF.63/5

[Original text: French]
[9 March 1972]

Article 14 bis (Technical and financial assistance to promote more effective execution of provisions of the Convention)

Amend the proposed text of article 14 bis to read as follows:

In cases which it considers appropriate and either in addition to or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Governments concerned, may recommend to the competent United Nations authorities and to the specialized agencies, that technical and financial assistance be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out and referred to in articles 2, 35 and 38.

DOCUMENT E/CONF.63/C.2/L.5

Cuba: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[9 March 1972]

Article 14 bis (Technical and financial assistance to promote more effective execution of provisions of the Convention)

Amend the proposed text of article 14 bis to read as follows:

The Board may, at the request of the Party concerned and with the approval of the Commission, recommend to the

competent United Nations authorities, including the World Health Organization, that technical and financial assistance be rendered to the said Party in support of its efforts to perform its obligations under this Convention, including the measures prescribed in article 38, more effectively.

ARTICLE 16

DOCUMENT E/CONF.63/C.2/L.2

Turkey: amendment to the joint proposals in document E/CONF.63/5

[Original text: English/French]
[8 March 1972]

Article 16 (Secretariat)

Amend the second sentence to read:

In particular, the Secretary and the staff of the Board shall be appointed by the Secretary-General in agreement with the Board.

DOCUMENT E/CONF.63/C.2/L.4

Union of Soviet Socialist Republics: amendment to the joint proposals in document E/CONF.63/5

[Original text: French/Russian]
[9 March 1972]

Article 16 (Secretariat)

After the words "in consultation with the Board", delete the full stop and add the words "and subject to confirmation by the Council".

DOCUMENT E/CONF.63/C.2/L.9

France: draft resolution on the secretariat of the International Narcotics Control Board

[Original text: French]
[9 March 1972]

Article 16 (Secretariat)

Explanatory statement

The problem of the way in which the secretariat of the International Control Board was to function and be appointed was dealt with and solved by the Economic and Social Council in its resolution 1196 (XLII), adopted at its 1464th plenary meeting on 16 May 1967. With a view to formalizing that solution which met the wishes of the parties to the existing international conventions on narcotic drugs, it is proposed that one of the resolutions to be adopted by the Conference should recapitulate the essential elements of the administrative arrangements decided by the Secretary-General on the proposal of the Economic and Social Council, as follows:

The Conference,

Considering that the measures adopted by the Economic and Social Council in its resolution 1196 (XLII) of 16 May 1967 (1464th plenary meeting) met the wishes of the States Parties to the Single Convention on Narcotic Drugs, 1961, and to the earlier conventions still in force,

Recommends the continuation of the system which was instituted by the Secretary-General of the United Nations and whose main provisions are as follows:

1. The International Narcotics Control Board (hereinafter referred to as the Board) has a secretariat distinct from the Division of Narcotic Drugs;

2. That secretariat is an integral part of the Secretariat of the United Nations; while under the full administrative control of the Secretary-General, it is bound to carry out the decisions of the Board;

3. The members of the secretariat are appointed or assigned by the Secretary-General; the head of that secretariat is appointed or assigned in consultation with the Board.

ARTICLE 22

DOCUMENT E/CONF.63/C.2/L.12

Argentina and New Zealand: amendments to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[16 March 1972]

Article 22 (Special provision applicable to cultivation)

Redraft the title of this article as follows:

Special provisions applicable to cultivation and wild growth.

Redraft the text of the article as follows:

1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation and harvest of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take all practicable measures:

(a) To seize any plants illicitly cultivated and to destroy them, unless they are required for lawful medical or scientific purposes;

(b) Subject to ecological considerations, to destroy any plants found to be growing wild unless they are required for lawful medical or scientific purposes.

Any illicitly cultivated or wild plants converted to lawful medical or scientific purposes in accordance with this article shall be subject to the provisions of the estimate system under this Convention.

ARTICLE 27

DOCUMENT E/CONF.63/6

Peru: amendment to the Single Convention on Narcotic Drugs, 1961¹⁰

[Original text: Spanish]
[7 March 1972]

Article 27 (Additional provisions relating to coca leaves)

Paragraph 1

Add the following text to the end of paragraph 1:

Alkaloids extracted in the process of preparing a flavouring agent shall be used solely to meet domestic requirements. Any

greater quantities of alkaloids obtained in the process of preparing a flavouring agent shall be destroyed.

ARTICLE 36

DOCUMENT E/CONF.63/C.2/L.8

Mexico: amendments to the joint proposals in document E/CONF.63/5

[Original text: French/Spanish]
[9 March 1972]

Article 36 (Penal provisions)

Paragraph 1

Set out the first sentence in the following manner:

1. Subject to its constitutional limitations,

(a) Each Party shall adopt...

In paragraph 1, sub-paragraph (b), replace the words "as an alternative to" by the words "without prejudice to".

DOCUMENT E/CONF.63/C.2/L.11

Spain: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[13 March 1972]

Article 36 (Penal provisions)

Paragraph 1

In sub-paragraph (b), after the words "the Parties may", insert a comma followed by the words:

without prejudice to the provisions of their municipal law,

ARTICLE 38

DOCUMENT E/CONF.63/C.2/L.6

Argentina: amendment to the joint proposals in document E/CONF.63/5

[Original text: Spanish]
[9 March 1972]

Article 38 (Measures against the abuse of narcotic drugs)

Paragraph 1

After the word "measures", insert a comma followed by the words "whether voluntary or compulsory".

DOCUMENT E/CONF.63/C.2/L.7

Mexico: amendment to the joint proposals in document E/CONF.63/5

[Original text: French/Spanish]
[9 March 1972]

Article 38 (Measures against the abuse of narcotic drugs)

Paragraph 3

Replace the word "assist" by the words "endeavour to assist".

¹⁰ The text proposed is a revised version of an amendment proposed by Peru, and replaces the text which appears in document E/CONF.63/2 (see part one, section B.1, p.2, above).

2. Texts approved by Committee II and submitted for consideration by the Drafting Committee (E/CONF.63/C.2/L.10 and Add.1-3)

1. Between its 4th and 9th meetings, Committee II approved the text of article 9, paragraphs 1 to 3, and article 10, paragraph 1, and articles 14 *bis*, 16 and 38 (E/CONF.63/C.2/L.10); at its 11th meeting, it approved the text of article 36 (E/CONF.63/C.2/L.10/Add.1); at its 12th meeting, it approved the text of article 2, paragraph 4, and article 11, paragraph 3, and decided not to recommend any change to article 14, paragraph 6, of the Single Convention (E/CONF.63/C.2/L.10/Add.2); at its 14th meeting, it approved the text of article 10, paragraph 4 (E/CONF.63/C.2/L.10/Add.3), and at its 17th meeting it approved the text of article 22 (*ibid.*).

2. At the 13th meeting of Committee II, the amendment to the preamble of the Convention submitted by Afghanistan (E/CONF.63/L.1) was withdrawn (its text was later submitted to the Conference in the form of a draft resolution (E/CONF.63/L.7)).

3. At its 15th meeting, Committee II rejected the amendment to article 27 proposed by Peru (E/CONF.63/6).

4. The texts approved by Committee II and submitted to the Drafting Committee for consideration, in the numerical order of the articles of the Convention, were the following:

[E/CONF.63/C.2/L.10/ADD.2]

Article 2

SUBSTANCES UNDER CONTROL

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II, except that article 31, paragraph 1 (b) and 4 to 15 and article 34 (b) as regards retailers, scientists, scientific institutions and hospitals need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

[E/CONF.63/C.2/L.10]

Article 9

COMPOSITION AND FUNCTIONS OF THE BOARD

1. The Board shall consist of thirteen members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five nominated by the World Health Organization; and

(b) Ten members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make

all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.

Article 10

TERMS OF OFFICE AND REMUNERATION OF MEMBERS OF THE BOARD

1. The members of the Board shall serve for a period of five years; provided that in the first election six members shall be elected for three years and seven members for five years. Members shall be eligible for re-election. The members whose terms are to expire at the end of the above-mentioned initial periods of three and five years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

[E/CONF.63/C.2/L.10/ADD.3]

Article 10

TERMS OF OFFICE AND REMUNERATION OF MEMBERS OF THE BOARD

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

[E/CONF.63/C.2/L.10/ADD.2]

Article 11

RULES OF PROCEDURE OF THE BOARD

3. The quorum necessary at meetings of the Board shall consist of eight members.

[E/CONF.63/C.2/L.10]

Article 14 bis

TECHNICAL AND FINANCIAL ASSISTANCE TO PROMOTE MORE EFFECTIVE EXECUTION OF PROVISIONS OF THE CONVENTION

In cases which it considers appropriate and either in addition to or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of¹¹ the Governments concerned, may recommend to the competent United Nations authorities and to the specialized agencies that technical and financial assistance be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out and referred to in articles 2, 35 and 38.

Article 16

SECRETARIAT

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. In particular,¹² the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.

¹¹ The attention of the Drafting Committee was drawn to the Spanish text: the words "*en consulta con*" should be "*de acuerdo con*".

¹² The attention of the Drafting Committee was drawn to the Spanish text: the words "*No obstante*" were suggested in the Committee to replace the words "*En particular*".

[E/CONF.63/C.2/L.10/ADD.3]

Article 22

SPECIAL PROVISION APPLICABLE TO CULTIVATION

1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take all possible measures to seize any plants illicitly cultivated and to destroy them, unless they are required for lawful purposes.¹³

[E/CONF.63/C.2/L.10/ADD.1]

Article 36

PENAL PROVISIONS¹⁴

1. (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of narcotic drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care rehabilitation and social reintegration in conformity with paragraph 1 of Article 38.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts

¹³ The attention of the Drafting Committee was drawn to the following points:

The word "seize", in paragraph 2, should be translated in French by the word "*saisir*". This word should not be translated in Spanish by "*decomisar*" but another term should be found;

The word "lawful", in paragraph 2, should be translated in French by "*légaux*" and in Spanish by "*legales*".

¹⁴ While accepting the substance of article 36, Committee II expressed the view that it should be reframed in order to take account of the following points raised during the discussion of the text:

(a) The existing discrepancy in the English, French and Spanish texts of the introductory sentences of paragraph 1 (a) and paragraph 2 should be eliminated;

(b) A better wording should be found for the term "shall be deemed to be" in the first sentence of paragraph 2 (b) (i);

(c) A question was posed as to whether the word "existing" in the first sentence of paragraph 2 (b) (i) could be deleted, to avoid unnecessary interpretation problems;

(d) Doubts were expressed regarding the term "it may at its option consider this Convention as a legal basis for extradition" in paragraph 2 (b) (ii). This passage should be reframed in a more plain and less ambiguous way.

and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made and if such offender has not already been prosecuted and judgement given;

(b) (i) Each of the offences enumerated in paragraphs 1 and 2 (a) (ii) shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them;

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii). Extradition shall be subject to the other conditions provided by the law of the requested Party;

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (a) (ii) as extraditable offences between themselves subject to the conditions provided by the law of the requested Party;

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and notwithstanding sub-paragraphs (b) (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

[E/CONF.63/C.2/L.10]

Article 38

MEASURES AGAINST THE ABUSE OF NARCOTIC DRUGS¹⁵

1. The Parties shall give special attention to and take all practicable measures for the prevention of abuse of narcotic drugs and for the early identification, treatment, education after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to those ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of narcotic drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of narcotic drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such drugs will become widespread.

¹⁵ The attention of the Drafting Committee was drawn to the fact that Committee II approved article 38 on the understanding that the first line in paragraph 3 should correspond to the first line in paragraph 1.

3. Draft outline of an amending protocol prepared by the Legal Adviser to the Conference at the request of Committee II

DOCUMENT E/CONF.63/C.2/L.13

[Original text: English]
[20 March 1972]

DRAFT OUTLINE OF PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

[Preamble]

The Parties to the present Protocol,

Considering the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961, (hereinafter called the Single Convention),

Desiring to amend the Single Convention in order to . . . ,

Have agreed as follows:

Article 1

AMENDMENTS TO ARTICLE . . . PARAGRAPH . . .
OF THE SINGLE CONVENTION

Article . . . , paragraph . . . , of the Single Convention shall be amended to read as follows:

. . . ¹⁶

Article 2

AMENDMENTS TO ARTICLE . . . OF THE
SINGLE CONVENTION

Article . . . of the Single Convention shall be amended to read as follows:

. . .

Article 3

NEW ARTICLE . . .

The following new article shall be inserted after article . . . of the Single Convention:

. . .

. . .

[Final clauses]

Article A¹⁷

LANGUAGES OF THE PROTOCOL AND PROCEDURE FOR
SIGNATURE, RATIFICATION AND ACCESSION

1. This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 31 December 1972 on behalf of any Party to the Single Convention.

2. This Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General.

3. This Protocol shall be open after 31 December 1972 for accession by any Party to the Single Convention which has not signed this Protocol. The instru-

¹⁶ The changes to the text of the Single Convention will be underlined (in italics in the printed text).

¹⁷ Based on article 40 of the Single Convention.

ments of accession shall be deposited with the Secretary-General.

Article B¹⁸

ENTRY INTO FORCE

This Protocol, together with the amendments which it contains, shall come into force on the thirtieth day following the date on which the [fortieth] [fifty-fifth]¹⁹ instrument of ratification or accession is deposited in accordance with article A [; provided, however, that the amendment to article . . . of the Single Convention, set forth in article . . . of this Protocol, shall enter into force among States which have ratified or acceded to this Protocol upon the deposit of their instruments of ratification or accession.]²⁰

2. In respect of any other State depositing an instrument of ratification after the date of deposit of the said [fortieth] [fifty-fifth]²¹ instrument, this Protocol shall come into force on the thirtieth day after the deposit by that State of its instrument of ratification or accession.

Article C²²

EFFECT OF ENTRY INTO FORCE

Any State which becomes a Party to the Single Convention after the entry into force of this Protocol pursuant to paragraph 1 of article B above shall, failing an expression of a different intention by that State:

(a) Be considered as a Party to the Single Convention as amended; and

(b) Be considered as a Party to the unamended Single Convention in relation to any Party to that Convention not bound by this Protocol.

Article D²³

TRANSITIONAL PROVISIONS

1. The functions of the International Narcotics Control Board provided in the amendments contained in this Protocol shall, as from the date of the coming into force of this Protocol pursuant to paragraph 1 of article B above, be performed by the Board as constituted by the unamended Single Convention.

2. The Economic and Social Council shall fix the date on which the Board as constituted under the

¹⁸ The first part of paragraph 1, and also paragraph 2, are based on article 41 of the Single Convention.

¹⁹ In the discussion in Committee II, some delegations favoured adopting the same number as that contained in article 41 of the Single Convention, while others favoured a number equal to two thirds of the present number of Parties to the Single Convention.

²⁰ The additional phrase was drafted at the request of the representative of Austria.

²¹ See foot-note 9 above.

²² Based on article 40, paragraph 5, of the Vienna Convention on the Law of Treaties (*Official Records of the United Nations Conference on the Law of Treaties*, First and second sessions, *Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), p. 294.

²³ Based on article 45 of the Single Convention. One delegation suggested in Committee II that the Board should not start to perform the functions conferred on it by the amendments until it has been constituted as provided in the amendments.

amendments contained in this Protocol shall enter upon its duties. As from that date, the Board as so constituted shall, with respect to the Parties to the unamended Single Convention and to the Parties to the treaties enumerated in article 44 thereof, which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

Article E²⁴

RESERVATIONS

Any State may, at the time of signature or ratification of or accession to this Protocol, make a reservation

²⁴ Drafted to follow the text of article 50 as far as possible. The question whether there were any amendments, other than those relating to the number and terms of office of members of the Board, on which reservations should not be permitted was left for consideration in plenary. Article 50 might have to be adjusted, so as to give a right to States to make the same reservations on the Single Convention as amended as they were entitled to make on the Protocol.

in respect of any amendment contained herein other than the amendments to article 9, paragraph 1 (article ... of this Protocol), article 10, paragraph 1 (article ... of this Protocol), and

Article F

The Secretary-General shall transmit certified true copies of this Protocol to all the Parties to the Single Convention. When this Protocol has entered into force pursuant to paragraph 1 of article B above, the Secretary-General shall prepare a text of the Single Convention as amended by this Protocol, and shall transmit certified true copies of it to all States Parties or entitled to become Parties to the Convention as amended.

DONE at Geneva, this ... day of March one thousand nine hundred and seventy-two, in a single copy, which shall be deposited in the archives of the United Nations.

E. MEMORANDUM PREPARED BY THE LEGAL ADVISER TO THE CONFERENCE AT THE REQUEST OF THE GENERAL COMMITTEE*

DOCUMENT E/CONF.63/C.3/L.1

Form of an instrument to give effect to the amendments to a treaty

[Original text: English]

[10 March 1972]

Methods of altering treaty rights and obligations

1. The problem of altering existing treaty rights and obligations is a familiar one in international practice, and several different means of doing so are available. The means chosen depend upon certain legal and practical considerations, which will be set out hereafter.

Conclusion of a new treaty relating to the same subject matter

2. When all the parties to an earlier treaty become parties to a later treaty relating to the same subject matter, the earlier treaty is terminated or suspended if the later treaty so provides, and only the later treaty then applies. Thus, the Single Convention on Narcotic Drugs, 1961, in its article 44, provides for the termination of certain earlier treaties in the narcotics field as between parties to the Single Convention. If the later treaty does not provide for termination or suspension of the earlier one, then the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty. If not all the parties to the earlier treaty become parties to the later one, then the earlier treaty remains in effect between those which have accepted the later treaty and those which have not done so. The method of conclusion of a new

treaty is especially appropriate when a comprehensive review is made of all the rights and obligations in a particular field, or when the changes to be made are very extensive.

Conclusion of a supplementary convention or protocol

3. If the object is primarily to supplement existing rights and obligations rather than to transform them, then a supplementary convention or protocol is appropriate. The Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931, as amended, signed at Paris on 19 November 1948, and the Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, signed at New York on 23 June 1953, are examples of agreements in this category (though the 1953 Protocol, by its article 6, paragraph 4, does modify one provision of the 1925 International Opium Convention). Another example is the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956.²⁵

Conclusion of an amending protocol

4. If the actual wording of an earlier treaty is to be altered in part, then the most natural method of proceeding is by a protocol of amendment. In the practice

* Constituted by the Conference in accordance with rules 13 to 15 of its rules of procedure, the General Committee had the task of assisting the President in the general conduct of the business of the Conference, and ensuring the co-ordination of its work.

²⁵ United Nations, *Treaty Series*, vol. 266, p. 40.

of the United Nations there are ten such protocols, which are listed in the annex to the present memorandum and numbered 1 to 10. The first seven protocols amended treaties concluded before the United Nations came into existence; the last three amended United Nations treaties. The first example (No. 1) is the Protocol of 11 December 1946 amending prior treaties on narcotics. The practice thereafter changed somewhat as the result of certain difficulties encountered in respect to the protocols adopted in 1946 and 1947 (Nos. 1, 2 and 3), and the protocols concluded between 1948 and 1953 (Nos. 4, 5, 6 and 7) are in some respects technically improved. The three further protocols (Nos. 8, 9 and 10), which were concluded in order to amend treaties concluded under the auspices of the United Nations, have each of them special features reflecting particular problems in regard to the earlier treaties involved.

Legal effect of amending protocols

5. A party to the earlier treaty which becomes a party to the amending protocol obviously becomes a party to the treaty as amended. Only one of the ten United Nations protocols (No. 8) requires that, for the entry into force of the amending protocol, all the parties to the earlier treaty should have bound themselves by the protocol; the other nine provide that the protocols and the amendments they contain should come into force on much less rigorous conditions. Those nine protocols therefore raise the question of the treaty relations between those parties to the earlier treaty which have, and those which have not, become parties to the protocol. The protocol cannot bind any State which has not become a party to it; therefore the treaty in its unamended form applies between those parties which have accepted the protocol and those which have not accepted it.

6. There is, however, a further principle which appears to have been accepted in practice, relating to the effect of an amendment transferring to a new organ the functions provided by the treaty, or changing the composition of an organ. When the functions conferred on organs of the League of Nations by narcotics treaties were transferred to United Nations organs by the 1946 Protocol (No. 1), no State party to the earlier treaties refused to recognize the competence of the United Nations organs, even if it did not become party to the Protocol. The same thing happened when the International Narcotics Control Board was established pursuant to the Single Convention, and took over the functions of the former Permanent Central Opium Board and Drug Supervisory Body. No State party to the earlier treaties contested the competence of the new Board, even if it did not become party to the Single Convention. Thus, it seems to have been recognized that when, pursuant to a new agreement, a body responsible for the administration of the international narcotics control system is reconstituted or replaced by a new body, the new body succeeds smoothly to the competence of the old one. Naturally, however, the new body would not be entitled to

exercise new powers conferred on it by the later agreement in respect of any State not party to the later agreement which objected to such exercise.

7. A question arises as to the rights of States which wish to become parties to the treaty after the amendments have come into force: can such States become parties to the unamended treaty, or are they limited to accepting the treaty in its amended form? The Vienna Convention on the Law of Treaties, though not yet in force, may indicate that States consider that there is a presumption on the matter, since it provides in article 40, paragraph 5, that:

Any State which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State:

- (a) Be considered as a party to the treaty as amended; and
- (b) Be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.²⁶

Some of the United Nations amending protocols (Nos. 4, 5, 6, 7, 8 and 9) go farther than a presumption, and contain express provisions to the effect that "... any State becoming a party to the Convention, after the amendments thereto have come into force, shall become a party to the Convention as so amended".

8. The question of the legal effect of amending protocols having been thus examined, it is appropriate to turn to the matters which, within this legal framework, remain open to the choice of the Conference.

States which may become parties to an amending protocol

9. Nine of the ten amending protocols of the United Nations (Nos. 1-9) are open only to the parties to the treaties being amended. They are purely subsidiary, dependent agreements, having no other object than to amend the treaties, and hence it would be meaningless for any State not already bound by the treaties to become party to the protocols. The tenth protocol (No. 10), however, has a different character; it not only broadens certain obligations of the Convention relating to the Status of Refugees, but it also binds States to observe the substantive provisions of that Convention, and thus is an independent and complete international instrument. Accordingly, the Protocol relating to the Status of Refugees is open to accession, according to article V, "on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly". That Protocol also has much more extensive final clauses than the others, since it contains articles on the settlement of disputes, on federal States, on reservations and on denunciation.

²⁶ *Official Records of the United Nations Conference on the Law of Treaties, First and second sessions, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), p. 294.

Methods of becoming party to the protocols

10. Most of the protocols (Nos. 1-8) contain provisions like the 1946 Protocol (No. 1), which provides in article VI that:

States may become Parties to the present Protocol by

- (a) Signature without reservation as to approval,
- (b) Signature subject to approval followed by acceptance or
- (c) Acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

One protocol (No. 9) provides only for signature, and one (No. 10) only for accession. The degree of formality of the procedure required for States to become parties depends mainly upon the importance of the obligations undertaken.

Entry into force

11. Seven of the protocols (Nos. 1-7) have separate and differing requirements for the entry into force of the protocols themselves, and for the entry into force of the amendments they contain. These requirements will be described below. This double entry into force is not essential to the amendment procedure, and the three last protocols (Nos. 8-10) provide simply that the amendments take effect at the same time as the protocols.

Entry into force of the protocols

12. The earliest of the protocols (No. 1) contains an unusual provision to the effect that the Protocol shall come into force in respect of each party on the date of signature without reservation as to approval or on the date of deposit of an instrument of acceptance; that is, apparently only one party would have been necessary. The other protocols which, like the first one, have separate conditions for entry into force of the amendments (Nos. 2-7) and one further protocol (No. 9), all require two parties for the entry into force of the protocols. One protocol (No. 8) requires that all the parties to the earlier agreement should become parties to the protocol. The remaining protocol (No. 10) entered into force on the date of deposit of the sixth instrument of accession.

Separate entry into force of amendments

13. The earliest protocols (Nos. 1-3) provided that the amendments to each treaty would enter into force when "a majority" of the parties to that treaty had become parties to the protocol. It is, however, not always possible, because of unsettled questions connected with the succession of States, because of the non-recognition of some States by others, etc., to draw up a universally accepted list of the parties to a treaty, and consequently the calculation of how many States constitute "a majority of the parties" may be controversial. For this reason, later protocols (Nos. 4-7) specify the number of parties to the treaties which must become parties to the protocol in order to bring the amendments into force. These numbers vary considerably. One protocol (No. 4) requires 15; another

(No. 5) requires 20; another (No. 6) requires 13; and another (No. 7) requires 23.

Effect of entry into force of amendments

14. Under the usual United Nations procedure of amendment (Nos. 1-9), the entry into force of amendments has the effect of bringing into being a new international instrument, the treaty as amended, and the Secretary-General transmits certified true copies of it to States not already bound by it. Those States may become parties directly to the treaty as amended, in accordance with its final clauses, and do not first become parties to the original treaty and then to the amending protocol.

15. As has been stated in paragraph 9 above, one protocol (No. 10) is an independent and complete instrument, covering the full range of obligations in its field. That Protocol did not bring into being a "convention as amended", and States not already bound may become so simply by becoming parties to the Protocol.

Transitional provisions

16. The amendments proposed to the Single Convention include changes in the composition and terms of office of the International Narcotics Control Board. If these amendments are accepted by the Conference, it will need to consider not only the question of the entry into force of the amending instrument and that of the amendments, but also that of transitional provisions like article 45 of the Convention, whereby, after the entry into force of the amendments, the Board in its old composition would perform the new functions conferred on it by the amendments until such time as the Economic and Social Council decided that the new composition should come into effect. The time of entry into force is rarely exactly foreseeable, and if it came unexpectedly before the Council had been able to carry out the necessary elections, then in the absence of transitional provisions the Board would not be regularly constituted from the moment that the amendments took effect.

Reservations

17. Only one of the United Nations protocols (No. 10) contains a reservations clause, and it would seem to be the only one of them in respect of which reservations have in fact been made. If the Conference decides to include in the amending instrument a clause permitting reservations in respect of particular amendments, the same clause should also be inserted by amendment in article 50 of the Single Convention, in order that it may be incorporated in the Convention as amended (see para. 14 above), and thus make such reservations available to States not already bound by the Convention.

Decisions to be taken by the Conference

18. It may be convenient to recapitulate the decisions which the Conference should take in order to make

possible the drafting of final clauses for submission to it. It would seem, on the basis of the proceedings thus far, that the most appropriate form of instrument for amending the Single Convention would be an amending protocol (see paras. 4-9 above). If that view is accepted, it should be determined whether such a protocol should:

(a) Be a simple subsidiary instrument like nine of the United Nations protocols, having no object apart from effecting the amendments (see para. 9 above), and hence open only to States parties to the Single Convention, or whether it should be a comprehensive independent instrument (like one United Nations protocol) which would incorporate the obligations of the Convention, be open to a wider category of States, and require more elaborate final clauses;

(b) Provide a possibility for States to become parties by simple signature (see para. 10 above), or whether ratification or accession should be required;

(c) Provide separate and different conditions for the entry into force of the protocol and of the amendments (see paras. 11-13 above), or the same conditions for both, and what the conditions should be;

(d) Include transitional provisions regarding the composition and terms of office of the International Narcotics Control Board (see para. 16 above);

(e) Include a reservations clause (see para. 17 above).

ANNEX

AMENDING PROTOCOLS CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS

1. Protocol amending the Agreements Conventions and Protocols on Narcotic Drugs, concluded at the Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925, and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936.

Entered into force on 11 December 1946.

United Nations, *Treaty Series*, vol. 12, p. 179.

2. Protocol to amend the Convention for the Suppression of the Traffic in Women and Children concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933. Signed at Lake Success, New York, on 12 November 1947.

Entered into force on 12 November 1947.

United Nations, *Treaty Series*, vol. 53, p. 13.

3. Protocol to amend the Convention for the suppression of the circulation of and traffic in obscene publications, concluded at Geneva on 12 September 1923. Signed at Lake Success, New York, on 12 November 1947.

Entered into force on 12 November 1947.

United Nations, *Treaty Series*, vol. 46, p. 169.

4. Protocol amending the International Convention relating to Economic Statistics signed at Geneva on 14 December 1928. Signed at Paris on 9 December 1948.

Entered into force on 9 December 1948.

United Nations, *Treaty Series*, vol. 20, p. 229.

5. Protocol amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, and the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910. Signed at Lake Success, New York, on 4 May 1949.

Entered into force on 4 May 1949.

United Nations, *Treaty Series*, vol. 30, p. 23.

6. Protocol amending the Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910. Signed at Lake Success, New York, on 4 May 1949.

Entered into force on 4 May 1949.

United Nations, *Treaty Series*, vol. 30, p. 3.

7. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926. Done at United Headquarters on 7 December 1953.

Entered into force on 7 December 1953.

United Nations, *Treaty Series*, vol. 182, p. 51.

8. Additional Protocol amending certain provisions of the Agreement providing for the provisional application of the draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road. Done at Geneva on 28 November 1952.

Entered into force on 7 July 1955.

United Nations, *Treaty Series*, vol. 212, p. 296.

9. Protocol amending the International Agreement on Olive Oil, 1956. Done at Geneva on 3 April 1958.

Entered into force on 11 April 1958.

United Nations, *Treaty Series*, vol. 302, p. 121.

10. Protocol relating to the Status of Refugees. Done at New York on 31 January 1967.

Entered into force on 4 October 1967.

United Nations, *Treaty Series*, vol. 606, p. 267.

F. REPORT OF THE DRAFTING COMMITTEE*

DOCUMENTS E/CONF.63/L.5 AND ADD.1-6

DOCUMENT E/CONF.63/L.5

[Original text: English]
[16 March 1972]

1. The Drafting Committee met on 15 March 1972. It elected by acclamation Mr. H. Gros Espiell (Uruguay)

* The Drafting Committee, appointed at the first plenary meeting of the Conference in accordance with rule 17 of its rules of procedure, had the task of preparing drafts and giving

as its Vice-Chairman. It considered the text of Articles 9, 10, 38, 14 *bis* and 16 as referred to it by Committee II (see section D.2 above).

advice on drafting as requested by the Conference, of coordinating and reviewing the drafting of all texts, and of submitting them to the plenary Conference for consideration and adoption.

In the texts submitted to the Conference in the report of the Drafting Committee, the italicized passages represent changes to the existing text of the Single Convention.

2. The Drafting Committee submits to the plenary Conference the following text of article 9 (paras. 1-3) and articles 38, 14 *bis* and 16.

Article 9 [paragraphs 1 to 3]. Composition and functions of the Board

1. The Board shall consist of *thirteen* members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(b) *Ten* members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.

Article 38. Measures against the abuse of drugs

1. The Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread.

Article 14 *bis*. Technical and financial assistance

In cases which it considers appropriate and either in addition to²⁷ or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies, that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligations under this Convention,²⁸ including those set out or referred to²⁹ in articles 2, 35 and 38.

²⁷ Whereas the French and Spanish texts use the words "*parallèlement*" and "*paralelamente*", the English-speaking and Russian-speaking delegations said they preferred that the English and Russian versions be left unchanged.

²⁸ The use of the expression "this Convention" was subject, according to the Committee, to revision in the light of the decision finally taken by the Conference on the form of the instrument to be adopted.

²⁹ Some delegations expressed a preference for the use of a single term, e.g. "provided for", instead of the words "set out or referred to".

Article 16. Secretariat

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. *In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.*

DOCUMENT E/CONF.63/L.5/ADD.1

[Original text: English]

[20 March 1972]

1. The Drafting Committee met on 17 March 1972 and considered the text of a redraft of article 10, paragraph 1, proposed by the representative of Uruguay, article 36, paragraph 3 of article 11 and paragraph 4 of article 2 as referred to it by Committee II (see section D.2 above).

2. The Drafting Committee submits to the plenary Conference the following text of article 10, paragraph 1, article 36, article 11, paragraph 3, and article 2, paragraph 4.

Article 10 [paragraph 1]. Terms of office and remuneration of members of the Board³⁰

1. The members of the Board shall serve for a period of five years and may be re-elected.

[However, of the members elected at the first election, the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.]

[However, at the first election after the increase in the membership of the Board from eleven to thirteen members the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.]³¹

The members of the Board whose terms are to expire at the end of the above-mentioned initial periods of three and five years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

Article 36. Penal provisions

1. (a) ...

(b) Notwithstanding the preceding sub-paragraph, when abusers of drugs have committed such offences,³² the Parties may provide, either as an alternative to conviction or punishment or in addition to³³ punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

³⁰ The representative of the Philippines was in favour of including in article 10 a provision reading as follows: "The first election after the increase in the membership of the Board shall take place at the expiration of the term of the present members".

³¹ Some members of the Drafting Committee considered that it was for the plenary Conference to decide whether the provisions of the paragraphs in brackets were transitional provisions and which of them it wished to adopt.

³² The Drafting Committee interpreted "such offences" as referring to all the offences mentioned in paragraph 1 (a).

³³ The representative of India suggested that the words "conviction or" should be added after the words "in addition to".

2. Subject to the constitutional limitations⁸⁴ of a Party, its legal system and domestic law,

(a) ...

(b) (i) Each of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and, notwithstanding sub-paragraph (b) (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. ...

4. ...

Article 11. Rules of procedure of the Board

3. The quorum necessary at meetings of the Board shall consist of eight members.

Article 2. Substances under control

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II, except that article 31, paragraphs 1 (b) and 3 to 15⁸⁵ and, as regards retailers, scientists, scientific institutions and hospitals, article 34 (b) need⁸⁶ not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

DOCUMENT E/CONF.63/L.5/ADD.2

[Original text: English]
[21 March 1972]

1. The Drafting Committee met on 20 March 1972 and considered the text of article 19 as referred to it by Committee I (see section C.2 above).

⁸⁴ In the Spanish text, in order to bring the wording of paragraph 2 into line with that of paragraph 1 (a), the words "A reserva de las limitaciones que imponga la Constitución respectiva" were changed to "A reserva de lo dispuesto por su Constitución".

⁸⁵ In the English version, the Drafting Committee replaced "4 to 15" by "3 to 15", in order to bring the text into accord with that in the other official languages and that of article 31, paragraph 6, of the Single Convention, and to correct an evident misprint in the original text of the Convention.

⁸⁶ In the French version, in order to bring the text into accord with that in the other official languages, the word "nécessairement" was added after the words "ne seront pas".

2. The Drafting Committee submits to the plenary Conference the following text of this article.

Article 19. Estimates of drug requirements

1. ...

(a) ...

(b) ...

(c) ...

(d) ...;

(e) The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;

(f) Approximate quantity of opium to be produced;

(g) The number of industrial establishments manufacturing synthetic drugs; and

(h) The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug except opium and synthetic drugs shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) Subject to the deductions referred to in paragraph 3 of article 21⁸⁷ regarding imports and in paragraph 2 of article 21 bis, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.

(c) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the sum of the amounts specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.

(d) The estimates furnished under the preceding sub-paragraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.⁸⁸

3. ...

4. ...

5. Subject to the deductions referred to in paragraph 3 of article 21, and account being taken where appropriate of the provisions of article 21 bis, the estimates shall not be exceeded.⁸⁹

⁸⁷ The representatives of the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics reserved their position on the inclusion of a reference to paragraph 3 of article 21.

⁸⁸ Some delegations wished to emphasize that this sub-paragraph does not contradict but reiterates the provisions of paragraph 2 of article 21.

⁸⁹ The Drafting Committee reserved the possibility of re-considering the changes in the text of this paragraph.

DOCUMENT E/CONF.63/L.5/ADD.3

[Original text: English]
[22 March 1972]

1. The Drafting Committee met on 21 and 22 March 1972 and considered the text of article 14 as referred to it by Committee I (see section C.2 above).

2. The Drafting Committee submits to the plenary Conference the following text of article 14, paragraph 1:

Article 14. Measures by the Board to ensure the execution of provisions of the Convention

1. (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence⁴⁰ in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of this Convention are seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of this Convention, the Board shall have the right to propose to the Government concerned the opening of consultations or to request it to furnish explanations.⁴¹ If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information, or an explanation by a Government or a proposal for consultations and the consultations held with a Government under this sub-paragraph.

(b) ...

(c) The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers it necessary to take.

⁴⁰ The delegations of Turkey and Uruguay expressed their disagreement with the use of the words "direct competence", which were employed in this paragraph in a sense that did not correspond to their technical meaning in law and which might thus give rise to difficult problems of interpretation.

⁴¹ The delegation of India considered that no change should have been made in the last part of this sentence.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or that there is a serious situation that needs co-operative action at the international level with a view to remedying it, it may call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.⁴²

DOCUMENT E/CONF.63/L.5/ADD.4

[Original text: English]
[23 March 1972]

1. The Drafting Committee met on 22 March 1972 and considered the text of article 9, paragraphs 4 and 5, and articles 12, 20 and 35 as referred to it by Committee I (see section C.2 above) and the text of article 10, paragraph 4, and article 22 as referred to it by Committee II (see section D.2 above).

2. The Drafting Committee submits to the plenary Conference the following text of article 9, paragraphs 4 and 5, article 12, article 10, paragraph 4, articles 22, 20 and 35.

Article 9 [paragraphs 4 and 5]. Composition and functions of the Board

4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation,⁴³ manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes, and to prevent illicit cultivation, production and manufacture of drugs and illicit trafficking in drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

⁴² The Drafting Committee wished to emphasize that nothing in this sub-paragraph is designed to limit in any way the powers of the Council to refer matters to the General Assembly. The representatives of Bulgaria, the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic did not agree with the statement contained in this foot-note.

⁴³ Some delegations pointed out that the word "production" had been omitted after the words "limit the cultivation", in this paragraph of article 9 and that the omission should be drawn to the attention of the plenary Conference.

Article 12. Administration of the estimate system

1. ...
2. ...
3. ...
4. ...

5. The Board, with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes,⁴⁴ shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates.

6. ...

Article 10 [paragraph 4]. Terms of office and remuneration of members of the Board

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

Article 22. Special provision applicable to cultivation

1. ...

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take all possible measures to seize any plants illicitly cultivated and to destroy them, unless they are required for lawful purposes.⁴⁵

Article 20. Statistical returns to be furnished to the Board

1. ...
- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) Stocks of drugs as at 31 December of the year to which the returns relate; and

(g) Ascertainable area of cultivation of the opium poppy.

2. (a) ...
- (b) ...
3. ...

⁴⁴ The Drafting Committee was informed that at the 19th meeting of Committee I, during the discussion of article 9, paragraph 4, and after the vote on that paragraph, the representative of India had made an observation to the effect that the Committee should inform the Drafting Committee of the change that had just been made in article 9, paragraph 4, with a view to a similar modification of article 12, paragraph 5, through the addition of the words "in co-operation with Governments" after the words "to ensuring their availability for such purposes". The Chairman of Committee I had then indicated that the Indian representative's suggestion would be transmitted to the Drafting Committee. The Drafting Committee did not consider itself competent to take a decision on this matter.

⁴⁵ The delegation of Turkey objected to the rendering of the word "lawful" by the words "licites" in French and "licitos" in Spanish.

Article 35. Action against the illicit traffic

- ...
- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in, drugs; and

(g) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party, the Board may offer its advice to it in furnishing the information and in endeavouring to reduce the illicit drug activity within its borders.

DOCUMENT E/CONF.63/L.5/ADD.5

[Original text: English]
[23 March 1972]

1. The Drafting Committee met on 23 March 1972 and considered the text of article 21 *bis* as referred to it by Committee I (see section C.2 above).

2. The Drafting Committee submits to the plenary Conference the following text of article 21 *bis*.

Article 21 *bis*. Limitation of production of opium

1. The production of opium by any country or territory⁴⁶ shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (f) of article 19 has not limited opium produced within its borders to legitimate purposes in accordance with relevant estimates and that a significant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.

⁴⁶ The representative of the Union of Soviet Socialist Republics proposed that the words "country or territory" be replaced by the word "Party", in order to bring the text of paragraph 1 into line with the text of paragraphs 2 and 3 of this article.

4. *If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.*

5. *In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances, including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party.*

DOCUMENT E/CONF.63/L.5/ADD.6

[Article 38 bis]

[Original text: French]

[23 March 1972]

1. At its 22nd meeting, Committee I approved the text of additional provisions to amend the Single Con-

vention, reproduced in document E/CONF.63/C.1/L.31/Add.6, and transmitted this text to the Drafting Committee (see section C.2 above) and referred to it the question of the appropriate place of insertion.

2. The Drafting Committee suggested that the provisions in question might form a new article to be numbered 38 bis.

3. The Drafting Committee decided by a majority to confine its consideration of the document to the above suggestion.

4. The delegations of Mexico, Spain and Uruguay were of the opinion that this position represented too restrictive an interpretation of the Drafting Committee's terms of reference, and that the text submitted, at least in its Spanish version, had serious defects which could have been corrected in the Drafting Committee.

PART III

Final Act and Protocol amending the Single Convention

NOTES

1. The texts of the Final Act and the Protocol were published separately during the course of the Conference under the symbols E/CONF.63/7 and E/CONF.63/8 respectively. These texts were later combined in a single document (E/CONF.63/9), reproduced below.

2. In articles 1 to 16 of the Protocol, those portions of the text in smaller type which are reproduced in italics represent changes to the text of the Single Convention.

DOCUMENT E/CONF.63/9

Final Act and Protocol amending the Single Convention on Narcotic Drugs, 1961

[Original text: English/French/Russian/Spanish]
[25 March 1972]

Final Act of the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961

1. The Economic and Social Council of the United Nations, noting that amendments had been proposed to the Single Convention on Narcotic Drugs, 1961, and bearing in mind article 47 of that Convention, decided by its resolution 1577 (L) of 21 May 1971 to call, in accordance with Article 62, paragraph 4, of the Charter of the United Nations, a conference of plenipotentiaries to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961.

2. The United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961, met at the United Nations Office at Geneva from 6 to 24 March 1972.

3. The following 97 States were represented by representatives at the Conference:

Afghanistan	Colombia	Ghana	Niger
Algeria	Costa Rica	Greece	Nigeria
Argentina	Cuba	Guatemala	Norway
Australia	Cyprus	Haiti	Pakistan
Austria	Czechoslovakia	Holy See	Panama
Belgium	Dahomey	Hungary	Peru
Bolivia	Denmark	India	Philippines
Brazil	Ecuador	Indonesia	Poland
Bulgaria	Egypt	Iran	Portugal
Burma	El Salvador	Iraq	Republic of Korea
Burundi	Federal Republic of Germany	Ireland	Republic of Viet-Nam
Byelorussian Soviet Socialist Republic	Finland	Israel	Saudi Arabia
Canada	France	Italy	Senegal
Ceylon	Gabon	Ivory Coast	Sierra Leone
Chile	Gambia	Jamaica	Singapore
		Japan	South Africa
		Jordan	Spain
		Kenya	Sudan
		Khmer Republic	Sweden
		Kuwait	Switzerland
		Laos	Thailand
		Lebanon	Togo
		Liberia	Tunisia
		Libyan Arab Republic	Turkey
		Liechtenstein	Ukrainian Soviet Socialist Republic
		Luxembourg	Union of Soviet Socialist Republics
		Madagascar	United Kingdom of Great Britain and Northern Ireland
		Malawi	
		Mexico	United States of America
		Monaco	Uruguay
		Mongolian Peoples Republic	Venezuela
		Morocco	Yugoslavia
		Netherlands	Zaire
		New Zealand	
		Nicaragua	

4. The following States were represented by observers at the Conference:

Cameroon	Malta
Dominican Republic	Romania
Malaysia	

5. The Economic and Social Council, by its resolution 1577 (L), requested the Secretary-General to invite to the Conference the World Health Organization and other interested specialized agencies, the International Narcotics Control Board and the International Criminal Police Organization. The World Health Organization, the International Narcotics Control Board and the International Criminal Police Organization were represented at the Conference.

6. The Conference elected Mr. K. B. Asante (Ghana) as President of the Conference, Mr. D. Nikolić (Yugoslavia) as First Vice-President, and as the other Vice-Presidents the representatives of the following States:

Argentina	Union of Soviet
Egypt	Socialist Republics
France	United Kingdom of Great
India	Britain and Northern
Lebanon	Ireland
Mexico	United States of America
Turkey	

7. Mr. V. Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, was the representative of the Secretary-General of the United Nations. The Executive Secretary of the Conference was Mr. V. Kušević, the Legal Adviser to the Conference was Mr. G. Wattles and the Deputy Executive Secretary and Deputy Legal Adviser was Mr. P. Raton.

8. The Conference had before it the amendments to the Single Convention on Narcotic Drugs, 1961 which were proposed by States participating in the Conference.

9. The Conference set up the following committees:

General Committee

Chairman: the President of the Conference

Committee I

Chairman: Mr. R. A. Chapman (Canada)

Committee II

Chairman: Dr. B. Bölcs (Hungary)

Drafting Committee

Chairman: Dr. J.-P. Bertschinger (Switzerland)

Credentials Committee

Chairman: Mr. J. W. Lennon (Ireland)

10. Committee I established a working group on article 14, the Chairman of which was Mr. A. C. Kirca (Turkey).

11. As a result of its deliberations, as recorded in the summary records of the plenary Conference and Committees I and II, the Conference adopted and opened for signature the Protocol amending the Single Convention on Narcotic Drugs, 1961. In addition, the Conference adopted three resolutions annexed to this Final Act.

DONE at Geneva, this twenty-fifth day of March, one thousand nine hundred and seventy-two, in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. The original text shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the representatives have signed this Final Act.

ANNEX

Resolutions adopted by the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961

RESOLUTION I

Secretariat of the International Narcotics Control Board

The Conference,

Considering that the measures adopted by the Economic and Social Council in its resolution 1196 (XLII) of 16 May 1967 (1464th plenary meeting) met the wishes of the States Parties to the Single Convention on Narcotic Drugs, 1961, and to the earlier conventions still in force,

Recommends the continuation of the system which was instituted by the Secretary-General of the United Nations and whose main provisions are as follows:

1. The International Narcotics Control Board (hereinafter referred to as the Board) has a secretariat distinct from the Division of Narcotic Drugs;

2. That secretariat is an integral part of the Secretariat of the United Nations; while under the full administrative control of the Secretary-General, it is bound to carry out the decisions of the Board;

3. The members of the secretariat are appointed or assigned by the Secretary-General; the head of that secretariat is appointed or assigned in consultation with the Board.

RESOLUTION II

Assistance in narcotics control

The Conference,

Recalling that assistance to developing countries is a concrete manifestation of the will of the international community to honour the commitment contained in the United Nations Charter to promote the social and economic progress of all peoples,

Recalling the special arrangements made by the United Nations General Assembly under its resolution 1395 (XIV) with a view to the provision of technical assistance for drug abuse control,

Welcoming the establishment, pursuant to United Nations General Assembly resolution 2719 (XXV), of a United Nations Fund for Drug Abuse Control,

Noting that the Conference has adopted a new article 14 *bis* concerning technical and financial assistance to promote more effective execution of the provisions of the Single Convention on Narcotic Drugs, 1961.

1. *Declares* that, to be more effective, the measures taken against drug abuse must be co-ordinated and universal;

2. *Declares further* that the fulfilment by the developing countries of their obligations under the Convention will be facilitated by adequate technical and financial assistance from the international community.

RESOLUTION III

*Social conditions and protection against drug addiction**The Conference,*

Recalling that the preamble to the Single Convention on Narcotic Drugs, 1961, states that the Parties to the Convention are "concerned with the health and welfare of mankind" and are "conscious of their duty to prevent and combat" the evil of drug addiction,

Considering that the discussions at the Conference have given evidence of the desire to take effective steps to prevent drug addiction,

Considering that, while drug addiction leads to personal degradation and social disruption, it happens very often that the deplorable social and economic conditions in which certain individuals and certain groups are living predispose them to drug addiction,

Recognizing that social factors have a certain and sometimes preponderant influence on the behaviour of individuals and groups,

Recommends that the Parties:

1. Should bear in mind that drug addiction is often the result of an unwholesome social atmosphere in which those who are most exposed to the danger of drug abuse live;

2. Should do everything in their power to combat the spread of the illicit use of drugs;

3. Should develop leisure and other activities conducive to the sound physical and psychological health of young people.

Protocol amending the Single Convention on Narcotic Drugs, 1961

PREAMBLE

The Parties to the present Protocol,

Considering the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 (hereinafter called the Single Convention),

Desiring to amend the Single Convention,

Have agreed as follow:

Article 1

AMENDMENTS TO ARTICLE 2, PARAGRAPHS 4, 6 AND 7 OF THE SINGLE CONVENTION

Article 2, paragraphs 4, 6 and 7, of the Single Convention shall be amended to read as follows:

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (b) and 3 to 15 and, as regards their acquisition and retail distribution, article 34, paragraph (b), need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of article 19, paragraph 1, sub-paragraph (f), and of articles 21 bis, 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in article 19, paragraph 1, sub-paragraph (e), article 20, paragraph 1, sub-paragraph (g), article 21 bis and in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.

Article 2

AMENDMENTS TO THE TITLE OF ARTICLE 9 OF THE SINGLE CONVENTION AND ITS PARAGRAPH 1 AND INSERTION OF NEW PARAGRAPHS 4 AND 5

The title of article 9 of the Single Convention shall be amended to read as follows:

Composition and functions of the Board

Article 9, paragraph 1, of the Single Convention shall be amended to read as follows:

1. The Board shall consist of *thirteen* members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(b) Ten members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention:

4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

Article 3

AMENDMENTS TO ARTICLE 10, PARAGRAPHS 1 AND 4, OF THE SINGLE CONVENTION

Article 10, paragraphs 1 and 4, of the Single Convention shall be amended to read as follows:

1. The members of the Board shall serve for a period of five years, and may be re-elected.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

Article 4

AMENDMENT TO ARTICLE 11, PARAGRAPH 3, OF THE SINGLE CONVENTION

Article 11, paragraph 3, of the Single Convention shall be amended to read as follows:

3. The quorum necessary at meetings of the Board shall consist of eight members.

Article 5**AMENDMENT TO ARTICLE 12, PARAGRAPH 5,
OF THE SINGLE CONVENTION**

Article 12, paragraph 5, of the Single Convention shall be amended to read as follows:

5. The Board, with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates.

Article 6**AMENDMENTS TO ARTICLE 14, PARAGRAPHS 1 AND 2,
OF THE SINGLE CONVENTION**

Article 14, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

1. (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of this Convention are being seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of this Convention, the Board shall have the right to propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information and an explanation by a Government or a proposal for consultations and the consultations held with a Government under this sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person

or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers it necessary to take.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or that there is a serious situation that needs co-operative action at the international level with a view to remedying it, it may call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (d) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

Article 7**NEW ARTICLE 14 bis**

The following new article shall be inserted after article 14 of the Single Convention:

Article 14 bis**Technical and financial assistance**

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out or referred to in articles 2, 35, 38 and 38 bis.

Article 8**AMENDMENT TO ARTICLE 16 OF THE
SINGLE CONVENTION**

Article 16 of the Single Convention shall be amended to read as follows:

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.

Article 9**AMENDMENTS TO ARTICLE 19, PARAGRAPHS 1, 2 AND 5, OF THE SINGLE CONVENTION**

Article 19, paragraphs 1, 2 and 5, of the Single Convention shall be amended to read as follows:

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;

(d) Quantities of drugs necessary for addition to special stocks;

(e) *The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;*

(f) *Approximate quantity of opium to be produced;*

(g) *The number of industrial establishments which will manufacture synthetic drugs; and*

(h) *The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.*

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug *except opium and synthetic drugs* shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) *Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 bis, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.*

(c) *Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the sum of the amounts specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.*

(d) *The estimates furnished under the preceding sub-paragraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use as well as any quantity taken from special stocks for the requirements of the civilian population.*

5. Subject to the deductions referred to in paragraph 3 of article 21, and account being taken where appropriate of the provisions of article 21 bis, the estimates shall not be exceeded.

Article 10**AMENDMENTS TO ARTICLE 20 OF THE SINGLE CONVENTION**

Article 20 of the Single Convention shall be amended to read as follows:

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(a) Production or manufacture of drugs;

(b) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(c) Consumption of drugs;

(d) Imports and exports of drugs and poppy straw;

(e) Seizures of drugs and disposal thereof;

(f) Stocks of drugs as at 31 December of the year to which the returns relate; and

(g) *Ascertainable area of cultivation of the opium poppy.*

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect of the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

Article 11**NEW ARTICLE 21 bis**

The following new article shall be inserted after article 21 of the Single Convention:

Article 21 bis**Limitation of production of opium**

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (f) of article 19 has not limited opium produced within its borders to licit purposes in accordance with relevant estimates and that a significant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and

contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances, including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party.

Article 12

AMENDMENT TO ARTICLE 22 OF THE SINGLE CONVENTION

Article 22 of the Single Convention shall be amended to read as follows:

1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize any plants illicitly cultivated and to destroy them, except for small quantities required by the Party for scientific or research purposes.

Article 13

AMENDMENT TO ARTICLE 35 OF THE SINGLE CONVENTION

Article 35 of the Single Convention shall be amended to read as follows:

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(c) Co-operate closely with each other and with the competent international organizations of which they are members, with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner;

(e) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;

(f) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to

illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in, drugs; and

(g) Furnish the information referred to in the preceding paragraphs as far as possible in such manner and by such dates as the Board may request; if requested by a Party, the Board may offer its advice to it in furnishing the information and in endeavouring to reduce the illicit drug activity within the borders of that Party.

Article 14

AMENDMENTS TO ARTICLE 36, PARAGRAPHS 1 AND 2, OF THE SINGLE CONVENTION

Article 36, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

1. (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(b) (i) Each of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs

1 and 2 (a) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and, notwithstanding sub-paragraphs (b) (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

Article 15

AMENDMENTS TO ARTICLE 38 OF THE SINGLE CONVENTION AND ITS TITLE

Article 38 of the Single Convention and its title shall be amended to read as follows:

Measures against the abuse of drugs

1. The Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread.

Article 16

NEW ARTICLE 38 bis

The following new article shall be inserted after article 38 of the Single Convention:

Article 38 bis

Agreements on regional centres

If a Party considers it desirable as part of its action against the illicit traffic in drugs, having due regard to its constitutional, legal and administrative systems, and, if it so desires, with the technical advice of the Board or the specialized agencies, it shall promote the establishment, in consultation with other interested Parties in the region, of agreements which contemplate the development of regional centres for scientific research and education to combat the problems resulting from the illicit use of and traffic in drugs.

Article 17

LANGUAGES OF THE PROTOCOL AND PROCEDURE FOR SIGNATURE, RATIFICATION AND ACCESSION

1. This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 31 December 1972 on behalf of any Party or signatory to the Single Convention.

2. This Protocol is subject to ratification by States which have signed it and have ratified or acceded to

the Single Convention. The instruments of ratification shall be deposited with the Secretary-General.

3. This Protocol shall be open after 31 December 1972 for accession by any Party to the Single Convention which has not signed this Protocol. The instruments of accession shall be deposited with the Secretary-General.

Article 18

ENTRY INTO FORCE

1. This Protocol, together with the amendments which it contains, shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 17.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this Protocol shall come into force on the thirtieth day after the deposit by that State of its instrument of ratification or accession.

Article 19

EFFECT OF ENTRY INTO FORCE

Any State which becomes a Party to the Single Convention after the entry into force of this Protocol pursuant to paragraph 1 of article 18 above shall, failing an expression of a different intention by that State:

(a) Be considered as a Party to the Single Convention as amended; and

(b) Be considered as a Party to the unamended Single Convention in relation to any Party to that Convention not bound by this Protocol.

Article 20

TRANSITIONAL PROVISIONS

1. The functions of the International Narcotics Control Board provided for in the amendments contained in this Protocol shall, as from the date of the coming into force of this Protocol pursuant to paragraph 1 of article 18 above, be performed by the Board as constituted by the unamended Single Convention.

2. The Economic and Social Council shall fix the date on which the Board as constituted under the amendments contained in this Protocol shall enter upon its duties. As from that date, the Board as so constituted shall, with respect to those Parties to the unamended Single Convention and to those Parties to the treaties enumerated in article 44 thereof which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

3. Of the members elected at the first election after the increase in the membership of the Board from eleven to thirteen members, the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.

4. The members of the Board whose terms are to expire at the end of the above-mentioned initial period of three years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

Article 21

RESERVATIONS

1. Any State may, at the time of signature or ratification of or accession to this Protocol, make a reservation in respect of any amendment contained herein other than the amendments to article 2, paragraphs 6 and 7 (article 1 of this Protocol), article 9, paragraphs 1, 4 and 5 (article 2 of this Protocol), article 10, paragraphs 1 and 4 (article 3 of this Protocol), article 11 (article 4 of this Protocol), article 14 *bis* (article 7 of this Protocol), article 16 (article 8 of this Protocol), article 22 (article 12 of this Protocol), article 35 (article 13 of this Protocol), article 36, paragraph 1 (b) (article 14 of this Protocol), article 38 (article 15 of this Protocol) and article 38 *bis* (article 16 of this Protocol).

2. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 22

The Secretary-General shall transmit certified true copies of this Protocol to all the Parties and signatories to the Single Convention. When this Protocol has entered into force pursuant to paragraph 1 of article 18 above, the Secretary-General shall prepare a text of the Single Convention as amended by this Protocol, and shall transmit certified true copies of it to all States Parties or entitled to become Parties to the Convention as amended.

DONE at Geneva, this twenty-fifth day of March one thousand nine hundred and seventy-two, in a single copy, which shall be deposited in the archives of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Protocol on behalf of their respective Governments.

ANNEXES

ANNEX I

Index to amendments,^a proposed or adopted

<i>Article of the Single Convention</i>	<i>Paragraph(s)</i>	<i>Description of amendments</i>	<i>Document symbol</i>	<i>Page</i>
Preamble	—	Amendment to the Convention	E/CONF.63/L.1	111
2	6 and 7	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	96
	4	Amendment to the Convention	E/CONF.63/L.2	111
	4	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10/Add.2	114
	4	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.1	122
	4, 6 and 7	Text adopted by the Conference	E/CONF.63/9	129
9	Title and 1 and 4	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	96
	4	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.24	101
	4	Amendments to the proposals in document E/CONF.63/C.1/L.24	E/CONF.63/C.1/L.25	101
	5	Amendment to the Convention	E/CONF.63/L.3	101
	4 and 5	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.3	108
	Title and 1-3	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10	114
	Title and 1-3	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5	121
	4 and 5	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	123
	Title and 1, 4 and 5	Text adopted by the Conference	E/CONF.63/9	129
10	1	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	96
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.1	112
	1	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10	114
	4	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10/Add.3	114
	1	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.1	121
	4	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	124
	1 and 4	Text adopted by the Conference	E/CONF.63/9	129
11	3	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10/Add.2	114
	3	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.1	122
	3	Text adopted by the Conference	E/CONF.63/9	129

^a The amendments contained in part one of the present volume (E/CONF.63/2) are not included in this index, since they were superseded by the joint proposals in document E/CONF.63/5 and by the proposal in document E/CONF.63/6.

Annex I (continued)

<i>Article of the Single Convention</i>	<i>Paragraph(s)</i>	<i>Description of amendments</i>	<i>Document symbol</i>	<i>Page</i>
12	5	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	96
	5	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.8	101
	5	Revised text of the amendment in document E/CONF.63/C.1/L.8	E/CONF.63/C.1/L.14	102
	1-6	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.3	108
	5	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	124
	5	Text adopted by the Conference	E/CONF.63/9	130
14	1 and 2	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	96
	1	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.2	102
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.3	102
	7 and 8	Amendment to the Convention	E/CONF.63/C.1/L.4	102
	1 and 2	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.5	102
	1 and 2	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.6	102
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.7	103
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.10	103
	1	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.11	103
	1	Text proposed by the Working Group of Committee I	E/CONF.63/C.1/L.23	103
	1	Amendment to the text proposed by the Working Group in document E/CONF.63/C.1/L.23	E/CONF.63/C.1/L.26	104
	1	Amendments to the text proposed by the Working Group in document E/CONF.63/C.1/L.23	E/CONF.63/C.1/L.27	104
	1	Amendments to the text proposed in document E/CONF.63/C.1/L.23, supplementing the amendments in document E/CONF.63/C.1/L.27	E/CONF.63/C.1/L.29	104
	1 and 2	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.1	109
	1	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.3	123
	1 and 2	Text adopted by the Conference	E/CONF.63/9	130
14 bis (new article)	(one paragraph)	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
		Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.3	112
		Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.5	112
		Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10	114
		Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5	121
		Text adopted by the Conference	E/CONF.63/9	130

Annex I (continued)

Article of the Single Convention	Paragraph(s)	Description of amendments	Document symbol	Page
16	(one paragraph)	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
		Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.2	112
		Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.4	112
		Draft resolution on the secretariat of the International Narcotics Control Board	E/CONF.63/C.2/L.9	112
		Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10	114
		Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5	121
		Text of article 16 adopted by the Conference	E/CONF.63/9	130
		Text of resolution on the secretariat of the Board, adopted by the Conference	E/CONF.63/9	130
19	1-3	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.1	105
	2	Sub-amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.16	105
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.17	105
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.18	105
	2	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.22	105
	1-5	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31	109
	1, 2 and 5	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.2	122
	1, 2 and 5	Text adopted by the Conference	E/CONF.63/9	131
20	1 and 3	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
	1-3	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.4	110
	1 and 3	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	124
	1-3	Text adopted by the Conference	E/CONF.63/9	131
21 bis (new article)	1-6	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
	5	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.9	105
	3-6	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.12	106
	1 and 3	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.13	106
	2 and 4	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.15	106
	1-5	Amended text of the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.19	106
	4	Sub-amendment to the amendment contained in document E/CONF.63/C.1/L.19	E/CONF.63/C.1/L.28	107

Annex I (continued)

Article of the Single Convention	Paragraph(s)	Description of amendments	Document symbol	Page
	Title and 3 bis	Sub-amendments to the amendment contained in document E/CONF.63/C.1/L.19	E/CONF.63/C.1/L.30	107
	1-5	Text as approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.2	110
	1-5	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.5	124
	1-5	Text adopted by the Conference	E/CONF.63/9	131
22	(one paragraph)	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
	1 and 2	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.12	113
	1 and 2	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10/Add.3	115
	1 and 2	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	124
	1 and 2	Text adopted by the Conference	E/CONF.63/9	132
24	4 and 6	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	97
	4	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.21	108
27	1	Amendment to the Convention	E/CONF.63/6	113
35	(one paragraph)	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	98
	2	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.1/L.20	108
	(one paragraph)	Text approved by Committee I and submitted to the Drafting Committee	E/CONF.63/C.1/L.31/Add.5	110
		Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.4	124
		Text adopted by the Conference	E/CONF.63/9	132
36	1 and 2	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	98
	1	Amendments to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.8	113
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.11	113
	1-4	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10/Add.1	115
	1 and 2	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5/Add.1	121
	1 and 2	Text adopted by the Conference	E/CONF.63/9	132
38	Title and 1-3	Joint proposals for amendments to the Single Convention	E/CONF.63/5 and Add.1-7	98
	1	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.6	113
	3	Amendment to the joint proposals in document E/CONF.63/5	E/CONF.63/C.2/L.7	113
	Title and 1-3	Text as approved by Committee II and submitted to the Drafting Committee	E/CONF.63/C.2/L.10	115
	Title and 1-3	Text submitted to the Conference by the Drafting Committee	E/CONF.63/L.5	121
	Title and 1-3	Text adopted by the Conference	E/CONF.63/9	133

Annex I (concluded)

<i>Article of the Single Convention</i>	<i>Paragraph(s)</i>	<i>Description of amendments</i>	<i>Document symbol</i>	<i>Page</i>
38 bis (new article)	(one paragraph)	Text of additional provisions to amend the Conven- tion, approved by Committee I	E/CONF.63/C.1/L.31/Add.6	111
		Report of the Drafting Committee	E/CONF.63/L.5/Add.6	125
		Text adopted by the Conference	E/CONF.63/9	133

ANNEX II

**Comparative table showing articles of the Single Convention amended by the Conference
and the modifications effected by the 1972 Protocol^a**

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961	1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961
<p style="text-align: center;">Article 2</p> <p style="text-align: center;">SUBSTANCES UNDER CONTROL</p> <p>1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in articles 4 (c), 19, 20, 21, 29, 30, 31, 32, 33, 34 and 37.</p> <p>2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in article 30, paragraphs 2 and 5, in respect of the retail trade.</p> <p>3. Preparations other than those in Schedule III are subject to the same measures of control as the drugs which they contain, but estimates (article 19) and statistics (article 20) distinct from those dealing with these drugs shall not be required in the case of such preparations, and article 29, paragraph 2 (c) and article 30, paragraph 1 (b) (ii) need not apply.</p> <p>4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (b) and 4 to 15 need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.</p> <p>5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter schedule, and in addition thereto:</p> <p>(a) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and</p> <p>(b) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.</p> <p>6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of articles 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.</p>	<p style="text-align: center;">AMENDMENTS TO ARTICLE 2, PARAGRAPHS 4, 6 AND 7, OF THE SINGLE CONVENTION</p> <p style="text-align: center;">Article 2, paragraphs 4, 6 and 7, of the Single Convention shall be amended to read as follows:</p> <p>4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (b) and 3 to 15 <i>and, as regards their acquisition and retail distribution, article 34, paragraph (b),</i> need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.</p> <p>6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of <i>article 19, paragraph 1, sub-paragraph (f), and of articles 21 bis, 23 and 24,</i> the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.</p>

^a Only articles of the Single Convention considered for amendment and the amendments adopted by the Conference are reproduced here. The passages in italics within the smaller type in the column headed "1972 Protocol amending the Single Convention on Narcotic Drugs, 1961" represent changes to the text of the Single Convention.

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961	1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961
<p>7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.</p> <p>8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.</p> <p>9. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:</p> <p>(a) They ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (article 3, paragraph 3) and that the harmful substances cannot in practice be recovered; and</p> <p>(b) They include in the statistical information (article 20) furnished by them the amount of each drug so used.</p>	<p>7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in <i>article 19, paragraph 1, sub-paragraph (e), article 20, paragraph 1, sub-paragraph (g), article 21 bis</i> and in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.</p>
<p style="text-align: center;"><i>Article 9</i></p> <p style="text-align: center;">COMPOSITION OF THE BOARD</p>	<p style="text-align: center;">AMENDMENTS TO THE TITLE OF ARTICLE 9 OF THE SINGLE CONVENTION AND ITS PARAGRAPH 1 AND INSERTION OF NEW PARAGRAPHS 4 AND 5</p>
<p>The title of article 9 of the Single Convention shall be amended to read as follows:</p> <p style="text-align: center;">COMPOSITION <i>and functions</i> OF THE BOARD</p> <p>Article 9, paragraph 1, of the Single Convention shall be amended to read as follows:</p> <p>1. The Board shall consist of eleven members to be elected by the Council as follows:</p> <p>(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and</p> <p>(b) Eight members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.</p> <p>2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.</p> <p>3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.</p>	<p>The title of article 9 of the Single Convention shall be amended to read as follows:</p>
<p>The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention:</p> <p>4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.</p>	<p>Article 9, paragraph 1, of the Single Convention shall be amended to read as follows:</p> <p>1. The Board shall consist of <i>thirteen</i> members to be elected by the Council as follows:</p> <p>(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and</p> <p>(b) <i>Ten</i> members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.</p> <p>The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention:</p> <p>4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.</p>

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1972 PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961

Article 10

TERMS OF OFFICE AND REMUNERATION OF MEMBERS OF THE BOARD

1. The members of the Board shall serve for a period of three years, and shall be eligible for re-election.
2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.
3. A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned.
4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of eight members of the Board.
5. Where a vacancy occurs on the Board during the term of office of a member, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 9, by electing another member for the remainder of the term.
6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

Article 11

RULES OF PROCEDURE OF THE BOARD

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.
2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.
3. The quorum necessary at meetings of the Board shall consist of seven members.

Article 12

ADMINISTRATION OF THE ESTIMATE SYSTEM

1. The Board shall fix the date or dates by which, and the manner in which, the estimates as provided in article 19 shall be furnished and shall prescribe the forms therefor.
2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions of this Convention.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

AMENDMENTS TO ARTICLE 10, PARAGRAPHS 1 AND 4,
OF THE SINGLE CONVENTION

Article 10, paragraphs 1 and 4, of the Single Convention shall be amended to read as follows:

1. The members of the Board shall serve for a period of five years, and *may be re-elected.*

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of *nine* members of the Board.

AMENDMENT TO ARTICLE 11, PARAGRAPH 3,
OF THE SINGLE CONVENTION

Article 11, paragraph 3, of the Single Convention shall be amended to read as follows:

3. The quorum necessary at meetings of the Board shall consist of *eight* members.

AMENDMENT TO ARTICLE 12, PARAGRAPH 5,
OF THE SINGLE CONVENTION

Article 12, paragraph 5, of the Single Convention shall be amended to read as follows:

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board in establishing such estimates shall, to the extent practicable, do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it considers necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates.

6. In addition to the reports mentioned in article 15, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the carrying out of this Convention.

Article 14

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF PROVISIONS OF THE CONVENTION

1. (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs and bearing on questions arising under those provisions, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of any country or territory to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

5. The Board, with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates.

AMENDMENTS TO ARTICLE 14, PARAGRAPHS 1 AND 2, OF THE SINGLE CONVENTION

Article 14, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

1. (a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of this Convention are being seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of this Convention, the Board shall have the right to propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information and an explanation by a Government or a proposal for consultations and the consultations held with a Government under this sub-paragraph.

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1972 PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) *The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers it necessary to take.*

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, *or that there is a serious situation that needs co-operative action at the international level with a view to remedying it*, it may call the attention of the Parties, the Council and the Commission to the matter. *The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.*

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (d) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

Article 16

SECRETARIAT

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General.

Article 19

ESTIMATES OF DRUG REQUIREMENTS

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate; and

(d) Quantities of drugs necessary for addition to special stocks.

1972 PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961NEW ARTICLE 14 *bis*

The following new article shall be inserted after article 14 of the Single Convention:

*Article 14 bis**Technical and financial assistance*

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out or referred to in articles 2, 35, 38 and 38 bis.

AMENDMENT TO ARTICLE 16 OF THE
SINGLE CONVENTION

Article 16 of the Single Convention shall be amended to read as follows:

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. *In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.*

AMENDMENTS TO ARTICLE 19, PARAGRAPHS 1, 2 AND 5,
OF THE SINGLE CONVENTION

Article 19, paragraphs 1, 2 and 5, of the Single Convention shall be amended to read as follows:

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;

(d) Quantities of drugs necessary for addition to special stocks;

(e) *The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;*

(f) *Approximate quantity of opium to be produced;*

(g) *The number of industrial establishments which will manufacture synthetic drugs; and*

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1972 PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961

Article 19 (continued)

2. Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

3. Any State may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 21, the estimates shall not be exceeded.

Article 20

STATISTICAL RETURNS TO BE FURNISHED TO THE BOARD

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

- (a) Production or manufacture of drugs;
- (b) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered

(h) The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug *except opium and synthetic drugs* shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 bis, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.

(c) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the sum of the amounts specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.

(d) The estimates furnished under the preceding sub-paragraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use as well as any quantity taken from special stocks for the requirements of the civilian population.

5. Subject to the deductions referred to in paragraph 3 of article 21, and account being taken where appropriate of the provisions of article 21 bis, the estimates shall not be exceeded.

AMENDMENTS TO ARTICLE 20 OF THE
SINGLE CONVENTION

Article 20 of the Single Convention shall be amended to read as follows:

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

- (a) Production or manufacture of drugs;
- (b) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Article 20 (continued)

by this Convention, and utilization of poppy straw for the manufacture of drugs;

- (c) Consumption of drugs;
- (d) Imports and exports of drugs and poppy straw;
- (e) Seizures of drugs and disposal thereof; and
- (f) Stocks of drugs as at 31 December of the year to which the returns relate.

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect to the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. In addition to the matters referred to in paragraph 1 of this article the Parties may as far as possible also furnish to the Board for each of their territories information in respect of areas (in hectares) cultivated for the production of opium.

4. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

by this Convention, and utilization of poppy straw for the manufacture of drugs;

- (c) Consumption of drugs;
- (d) Imports and exports of drugs and poppy straw;
- (e) Seizures of drugs and disposal thereof;
- (f) Stocks of drugs as at 31 December of the year to which the returns relate; and
- (g) *Ascertainable area of cultivation of the opium poppy.*

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect to the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

NEW ARTICLE 21 *bis*

The following new article shall be inserted after article 21 of the Single Convention:

Article 21 *bis**Limitation of production of opium*

1. *The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (f) of article 19.*

2. *If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (f) of article 19 has not limited opium produced within its borders to licit purposes in accordance with relevant estimates and that a significant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2 (b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.*

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961	1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961
<p style="text-align: center;"><i>Article 22</i></p> <p style="text-align: center;">SPECIAL PROVISION APPLICABLE TO CULTIVATION</p> <p>Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.</p>	<p style="text-align: center;"><i>New article 21bis (continued)</i></p> <p>3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.</p> <p>4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.</p> <p>5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party.</p>
<p style="text-align: center;"><i>Article 35</i></p> <p style="text-align: center;">ACTION AGAINST THE ILLICIT TRAFFIC</p> <p>Having due regard to their constitutional, legal and administrative systems, the Parties shall:</p> <p>(a) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;</p> <p>(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;</p> <p>(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;</p> <p>(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and</p> <p>(e) Ensure that where legal papers are transmitted internationally for the purpose of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.</p>	<p style="text-align: center;">AMENDMENT TO ARTICLE 22 OF THE SINGLE CONVENTION</p> <p>Article 22 of the Single Convention shall be amended to read as follows:</p> <p>1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.</p> <p>2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize any plants illicitly cultivated and to destroy them, except for small quantities required by the Party for scientific or research purposes.</p> <p style="text-align: center;">AMENDMENT TO ARTICLE 35 OF THE SINGLE CONVENTION</p> <p>Article 35 of the Single Convention shall be amended to read as follows:</p> <p>Having due regard to their constitutional, legal and administrative systems, the Parties shall:</p> <p>(a) Make arrangements at the national level for co-ordination of the preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;</p> <p>(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;</p> <p>(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;</p> <p>(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner,</p> <p>(e) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;</p>

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1972 PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961

Article 35 (continued)

(f) *Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in drugs; and*

(g) *Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party, the Board may offer its advice to it in furnishing the information and in endeavouring to reduce the illicit drug activity within the borders of that Party.*

Article 36

PENAL PROVISIONS

1. Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law.

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

AMENDMENTS TO ARTICLE 36, PARAGRAPHS 1 AND 2,
OF THE SINGLE CONVENTION

Article 36, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

1. (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) *Notwithstanding the preceding sub-paragraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.*

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

Annex II (continued)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Article 36 (continued)

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (a) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

Article 38

TREATMENT OF DRUG ADDICTS

1. The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.

2. If a Party has a serious problem of drug addiction and its economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts.

1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

(b) (i) *Each of the offences enumerated in paragraph 1 and 2 (a) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.*

(ii) *If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.*

(iii) *Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.*

(iv) *Extradition shall be granted in conformity with the law of the Party to which application is made, and, notwithstanding sub-paragraphs (b) (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.*

AMENDMENTS TO ARTICLE 38 OF THE SINGLE CONVENTION AND ITS TITLE

Article 38 of the Single Convention and its title shall be amended to read as follows:

Measures against the abuse of drugs

1. *The Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends.*

2. *The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.*

3. *The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread.*

Annex II (concluded)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961	1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961
	<p data-bbox="1208 367 1512 405">NEW ARTICLE 38bis</p> <p data-bbox="939 425 1781 504">The following new article shall be inserted after article 38 of the Single Convention:</p> <p data-bbox="1272 524 1452 556"><i>Article 38 bis</i></p> <p data-bbox="1153 572 1572 604"><i>Agreements on regional centres</i></p> <p data-bbox="939 624 1781 922"><i>If a Party considers it desirable as part of its action against the illicit traffic in drugs, having due regard to its constitutional, legal and administrative systems, and, if it so desires, with the technical advice of the Board or the specialized agencies, it shall promote the establishment, in consultation with other interested Parties in the region, of agreements which contemplate the development of regional centres for scientific research and education to combat the problems resulting from the illicit use of and traffic in drugs.</i></p>

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