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for year 1950



UNITED NATIONS

COMMISSION ON NARCOTIC DRUGS

REPORT of the SIXTH SESSION

(10 APRIL - 24 MAY 1951)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS: THIRTEENTH SESSION

SUPPLEMENT No. 13

NEW YORK

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COMMISSION ON NARCOTIC DRUGS

Report to the Economic and Social Council on the sixth session of the Commission, held at Lake Success, New York, from 10 April to 24 May 1951

INTRODUCTION

1. The Economic and Social Council, in its resolution 355 C (XII) requested the Commission on Narcotic Drugs "to make every possible effort . . . to find a basis acceptable to the governments principally concerned on which an international agreement to limit the production of opium to medical and scientific needs could be formulated". The proposal before the Commission for such an international agreement was the draft of the interim agreement to limit the production of opium to medical and scientific needs, of which the essential feature was the establishment of an International Opium Monopoly. The Commission accordingly took, as its main task during its sixth session, the endeavour to reach agreement upon four main questions concerning the establishment of the international opium monopoly. These questions, as the Commission had informed the Economic and Social Council in its report on its fifth session, the Joint Committee of the Principal Opium-producing Countries and of the Principal Drug-manufacturing Countries and the Commission itself at its fifth session had not been able to resolve.

2. The resolution of these questions presents great difficulties in the conditions both of the world and of the opium trade at the present time and these difficulties the Commission was unable to overcome. After discussing each of these questions, the Commission did not succeed in reaching agreement on any of them.

3. Since an agreed solution of the questions would be necessary before an international opium monopoly could be established, the Commission came to the conclusion that it was not possible at the present juncture to proceed further with the draft interim agreement.

4. The Commission therefore turned its attention to the question whether it would be possible to take any other steps towards the aim for which the Interim Agreement had been proposed, namely, the limitation of the production of opium to the world's medical and scientific needs.

5. The representative of France suggested that a step in this direction might be made by a scheme which would apply to opium the general principles of the 1931 Convention for Limiting the Manufacture and Regu-

lating the Distribution of Dangerous Drugs. The Commission came to the conclusion that by a scheme of this kind progress could be made towards the ultimate aim of the limitation of the production of opium to the world's medical and scientific needs. The proposal was elaborated in the form of the text of a draft instrument by the representative of France and in this form it was given more exhaustive study both by a committee of the Commission and by the Commission itself.

6. The Commission decided that a scheme on the lines proposed, as modified in the light of the discussion, would represent a definite measure of progress in this field. It also thought it desirable that the scheme should be formulated not as a legal text but as principles upon which such a text could be drawn up. It accordingly appointed a committee to frame, in the light of the views expressed in the discussion in the Commission, such a statement of principles. This statement of principles in the form in which it was finally approved by the Commission appears in annex F of the Commission's report.

7. The problem of the limitation of opium production occupied the greater part of the Commission's six-week session and the only other business transacted of which mention need be made here was the Commission's decision to place two synthetic drugs provisionally under international control by virtue of the powers vested in it by article 2 of the 1948 Protocol for bringing under international control drugs outside the scope of the 1931 Convention. The resolution the Commission adopted to give effect to its decision is recorded in section 13 below, but attention may be drawn in this introduction to the speed with which the 1948 Protocol enables international action to be taken to meet any possible dangers to which the introduction of a new drug suspected of having addiction-producing qualities may give rise. On this, the first occasion on which the special machinery provided under the Protocol was applied, the Secretary-General, within four days of the Commission's decision, sent to all Parties to the treaty a notification, upon the receipt of which Parties are bound by the provisions of the Protocol to take immediate steps to extend national and international control on a provisional basis to the two drugs in question.

I. ORGANIZATIONAL AND ADMINISTRATIVE MATTERS

1. Representation at the session

8. The fifteen members of the Commission were represented as follows:

Canada: Colonel C. H. L. Sharman, C.M.G., C.B.E., I.S.O.

China: Dr. C. L. Hsia, Dr. H. R. Wei (Alternate), Mr. P. Y. Tsao (Adviser), Mr. H. C. Wu (Adviser)

Egypt: Mr. A. K. Fahmy

France: Mr. G. Bourgois, Mr. C. Vaillle (Alternate), Mr. G. Amanrich (Alternate)

India: Mr. A. N. Sattanathan

Iran: Dr. A. Amini, Mr. A. G. Ardalan (Alternate)

Mexico: Dr. O. Rabasa, Mr. A. Martinez-Lavalle (Alternate)

Netherlands: Mr. A. Kruysse, Mr. H. Scheltema (Alternate)

Peru: Dr. T. Cabada (Alternate)

Poland: Dr. S. Boratynski (Alternate)

Turkey: Dr. C. Or, M.D., M.P.H., Mr. F. H. Diker (Alternate), Mr. N. Artuner (Adviser)

Union of Soviet Socialist Republics: Professor V. V. Zakusov, Mr. Y. Teplov (Adviser)

United Kingdom of Great Britain and Northern Ireland: Mr. S. Hoare, C.B., Mr. R. H. Mathew (Adviser)

United States of America: Mr. H. J. Anslinger, Mr. G. A. Morlock (Alternate), Mr. J. N. Hyde (Alternate), Mr. J. W. Bulkley (Adviser)

Yugoslavia: Mr. S. Krasovec, Mr. D. Nikolic (Alternate)

9. Certain other States were represented by observers when the Commission was discussing matters of particular interest to them, as indicated below:

State	Observer	Matter under discussion	Relevant section of the report
Italy	Mr. M. Egidi	Illicit traffic in diacetylmorphine	11 (b)
Thailand	Mr. K. Suphamongkhon	Burmese proposal for the establishment of a United Nations committee to coordinate the efforts of certain Far Eastern government to suppress poppy cultivation and the smuggling of opium	21
Burma	His Excellency, Mr. James Barrington U Ba Maung		11 (c)
Belgium	Mr. J. Woulbroun	Limitation of opium production	18, 19, 20
Italy	Mr. M. Egidi		
Switzerland	Mr. B. Schneider		
	Dr. C. Van Muyden		
Thailand	Mr. K. Suphamongkhon	Abolition of opium smoking in the Far East	21

10. The World Health Organization was represented by Dr. P. O. Wolff, Ph.D., M.A.

11. The Permanent Central Opium Board and the Supervisory Body was represented by Mr. H. L. May.

12. The International Criminal Police Commission was unable to be represented.

13. At the 148th meeting the International Association of Penal Law and the International Bureau for the Unification of Penal Law were represented by Professor V. V. Pella.

14. Mr. H. Laugier, Assistant Secretary-General in charge of Social Affairs, represented the Secretary-General at the beginning of the first meeting. The Secretary-General was subsequently represented by Mr. L. Steinig, Director of the Division of Narcotic Drugs.

2. Opening and duration of the session

15. The session was opened by Mr. Sattanathan, representative of India, who had been Chairman of the Commission during its fifth session. In his opening remarks the Temporary Chairman emphasized that the Economic and Social Council, by agreeing to the proposal made to it by the Commission during its fifth session that the sixth session should be convened only four months later, had shown its appreciation of the important nature of the work the Commission proposed to do.

16. The representative of the Union of Soviet Socialist Republics, supported by the representative of Poland, proposed that the Commission should invite a representative of the People's Republic of China to represent China on the Commission. The representative of the United States of America made a counter proposal that the Commission should postpone discussion of this matter until its seventh session. The United States proposal was adopted by 10 votes in favour, 3 against, with 1 abstention.

17. The Commission heard a farewell statement by Mr. Laugier, Assistant Secretary-General in charge of the Department of Social Affairs, summarizing the achievements of the United Nations in the field of narcotic drugs during the past five years.

18. The session lasted from 10 April to 24 May 1951 and a total of 34 meetings was held.

3. Election of officers

19. On the proposal of the representative of France, the Commission unanimously requested the officers who had served during its fifth session (Mr. Sattanathan, India, Chairman; Dr. Rabasa, Mexico, Vice-Chairman; and Mr. Hoare, United Kingdom, Rapporteur) to serve again.

20. The Vice-Chairman was unable to take part in the whole of the Commission's session, and on 2 May 1951, on the proposal of the representative of Iran, the Commission accordingly elected Mr. Fahmy (Egypt) to serve as second Vice-Chairman.

4. Adoption of the agenda

21. When introducing the provisional agenda for the session (E/CN.7/218, E/CN.7/218/Add.1) the Chairman pointed out that the Commission's main work would be on items 3 and 6—the proposed interim agreement to limit the production of opium to medical and scientific needs and the single convention on narcotic drugs. In connexion with the former item he drew attention to Economic and Social Council resolution 355 C (XII), communicated to the Commission in document E/CN.7/220, in which the Council had urged the Commission to make every possible effort during the session to find a basis acceptable to the governments principally concerned for an international agreement to limit opium production.

22. The Commission appointed an Agenda Committee, composed of the Commission's officers and the representatives of Iran and Yugoslavia, to consider the provisional agenda in detail and make recommendations thereon to the Commission. The Agenda Committee recommended the following agenda for the session:

1. Election of officers
2. Adoption of the agenda
3. Proposed interim agreement to limit the production of opium to medical and scientific needs
 - (a) Consideration of particular problems left over from the fifth session of the Commission
 - (b) General consideration of the draft of the agreement as revised
4. Progress report of the Division of Narcotic Drugs
5. Abolition of opium smoking in the Far East
6. Implementation of the 1948 Protocol
7. Laws and regulations relating to narcotic drugs
8. Annual reports of governments for the year 1949 made in pursuance of article 21 of the 1931 Convention, as amended by the 1946 Protocol
9. Illicit traffic
 - (a) Summaries of reports on illicit transactions and seizures
 - (b) Illicit traffic in 1950
 - (c) Proposal by Burma for the establishment of a United Nations committee to co-operate with the Governments of Yunnan, Indo-China and Thailand to find ways and means of suppressing poppy cultivation and the smuggling of opium
10. Single convention on narcotic drugs
11. Other business
12. Consideration of the draft report on the sixth session of the Commission
13. Adjournment

23. The Commission unanimously decided to adopt the agenda proposed by its Agenda Committee.

5. Invitations to attend the Commission

24. The Commission conveyed an invitation to the Government of Thailand to be represented by an observer during the discussion on the abolition of opium smoking in the Far East and the proposal by Burma for the establishment of a United Nations committee to co-ordinate the efforts of certain Far Eastern governments to suppress poppy cultivation and opium smuggling. The Commission also conveyed a similar invitation to the Government of Burma to be represented during the debate on the latter question.

25. The Commission invited a representative of Italy to be present during the discussion of a draft decision relating to the diversion of diacetylmorphine in that country.

6. Progress report of the Division of Narcotic Drugs

26. The Commission reviewed the progress report of the Division of Narcotic Drugs on its work during the period 1 October 1950 to 28 February 1951 (E/CN.7/225).

27. In connexion with a reference in the document (paragraphs 16 and 17) to sessions held by the Permanent Central Opium Board and the Supervisory Body during the period covered by the report, a view was expressed that in the interest of completeness it would be desirable that in future such reports should include information relating to the dates of all sessions of those two organs held during the period under review. The Commission accordingly decided to request the Secretary-General to include in future progress reports by the Division of Narcotic Drugs, references to the sessions held by the Permanent Central Opium Board and the Supervisory Body during the periods covered by such reports.

28. A proposal by the representative of the Union of Soviet Socialist Republics that section 7 (e), paragraphs 25-27, relating to the offer of 500 tons of opium for sale at Hong Kong be deleted from the report was defeated by 12 votes to 1, with 1 abstention.

29. In connexion with the reference in paragraph 74 to a study of methods of assaying opium, the representative of the United States of America informed the Commission that an important article dealing with new assaying methods would shortly be published in an American medical journal. He undertook to make copies of the article available to the members of the Commission in due course.

30. A number of other matters raised during the debate on the progress report are referred to elsewhere in this report. After agreeing on several drafting changes, the Commission decided to take note of the progress report of the Commission on Narcotic Drugs on its work during the period 1 October 1950 to 28 February 1951.

7. Future priorities for the work of the Division of Narcotic Drugs

31. The Commission decided to request the Secretary-General to arrange for the Division of Narcotic Drugs to work on the following matters during the coming year in the order of priority indicated:

(1) Performance of functions directly related to the implementation of the international treaties on narcotic drugs;

(2) Proposed single convention on narcotic drugs;

(3) Work consequent upon the report of the United Nations Commission of Enquiry on the Coca Leaf; and

(4) The assay, characteristics, composition and origin of opium.

8. Seventh session of the Commission

(a) DATE

32. The Commission decided to propose to the Council that its seventh session should be convened for the second week of April 1952 and should last about three weeks.

(b) PROVISIONAL AGENDA

33. The Commission decided to request the Secretary-General to include in the provisional agenda for its seventh session the question of synthetic narcotic drugs.

II. IMPLEMENTATION OF THE INTERNATIONAL TREATIES ON NARCOTICS

9. Annual reports of governments for the year 1949 made pursuant to article 21 of the 1931 Convention, as amended by the 1946 Protocol

34. In view of its heavy agenda and the fact that the Summary of Annual Reports of Governments for 1949 (E/NR.1949/Summary) could only be made available to it in proof form towards the end of the session, the Commission decided to postpone its consideration of the Summary of Annual Reports of Governments for 1949 until its seventh session.

10. Laws and regulations relating to narcotic drugs

35. In view of its heavy agenda and the fact that the Annual Summary of Laws and Regulations Relating to the Control of Narcotic Drugs — 1949 (E/NL.1949/Summary) could only be made available to it in proof form towards the end of the session, the Commission decided to postpone its consideration of the Annual Summary of Laws and Regulations Relating to the Control of Narcotic Drugs — 1949 until its seventh session.

11. Illicit traffic

(a) GENERAL

36. The Commission examined, with interest, documents E/CN.7/223 and Addendum 1 containing chapter V (Illicit Traffic) of the Annual Reports of Governments on the Traffic in Opium and other Dangerous Drugs for the year 1950, and was impressed by the high quality of a number of them. During the examination the Commission considered a proposal, based on a suggestion by the representative of Canada, that in future years details included in these chapters relating to seizures of narcotics should be reproduced in the documentation prepared expressly for the Commission, provided that the Secretary-General should find it technically possible to do so and that the cases in question had not previously been written up in one of the two-monthly Summaries of Illicit Transactions and Seizures.

37. Chapter V of the Mexican report not having reached the Secretariat in time for inclusion in the documentation before the Commission, the represent-

ative of Mexico outlined the progress of the current campaign against the illicit traffic and particularly against the illicit cultivation of opium in his country, where 319 poppy plantations had been destroyed in 1950. The Government was appreciative of the assistance and co-operation of the Government of the United States of America in this field, and the representative of the United States paid tribute to the work done by the Mexican authorities, emphasizing that the results achieved demonstrated how effective the policy of enforcement of narcotics control at the national level could be.

38. During consideration of the report communicated by the International Criminal Police Commission (E/CN.7/226), it was pointed out that it was the first report rendered as a result of the arrangement made with that organization at the fifth session of the Commission. The Commission felt that co-operation between United Nations organs and the International Criminal Police Commission might be satisfactorily developed; duplication in the work of the various bodies should be avoided and arrangements made to ensure that the work done in this field by the secretariat of the International Criminal Police Commission should become truly complementary to the work already being done by the Secretariat of the United Nations.

39. The representative of the United States recommended that in future reports the International Criminal Police Commission should give the names of all traffickers, so that governmental authorities throughout the world could take appropriate action, such as denying entry visas or seamen's licences to undesirable individuals, while the representative of Turkey drew the Commission's attention to the co-operation between the Egyptian, French, Italian and Turkish police, which was mentioned in the report. The Commission then decided to request the Secretary-General to thank the International Criminal Police Commission for its report and to bring to its attention the summary record of the one hundred and thirty-second meeting at which the report was discussed.

40. While examining the Memorandum on the Illicit Traffic during 1950 (E/CN.7/224), the Commission paid particular attention to the question of the origin of seized opium. As governments gave the origin only

in a few cases (sometimes a suspected origin was indicated: see annex C, table II) the representatives of the United States of America and France wondered whether perhaps the time had not come to put into use the tests so far elaborated by the United Nations to determine origin by chemical and physical means.

41. The Commission took note of the continued high level of the illicit traffic in raw opium throughout the world, and in this connexion the representative of France reported that 293 kilogrammes, a quantity without precedent in his country, had been recently seized at Marseilles. A sample of this opium would be sent to the United Nations for testing.

42. In the presence of a representative of Thailand, the Commission examined the question of opium seized in that country. Referring to the discussion which took place on this subject at the Commission's fifth session (see the report, E/1889:E/CN.7/216, paragraphs 46-47), the representative of the United States told the Commission that, according to his information, all opium sold in the government opium-smoking shops came from seizures of illicit opium. These seizures had recently amounted to several tons, evidence of the extent of the illicit traffic, which thus was made a source of considerable revenue to the Government of Thailand. He urged that Government to take effective measures to put an end to this situation in the spirit of the resolutions on the abolition of opium smoking adopted by the Economic and Social Council in 1947 and 1948 (resolutions 49 (IV) and 159 II B (VII)). At the request of the Commission, the representative of Thailand undertook to obtain further information on the matter from the Government of Thailand as soon as possible.

43. With respect to the general problem of illicit traffic in Thailand, the Commission decided to ask the Secretary-General to draw the attention of the Government of Thailand to the fact that although it had reported a large number of narcotics seizures during 1950, the number of arrests of traffickers had been very small and the sentences imposed on offenders had not usually exceeded three months, and in this connexion to request the Government to include in future in its seizure reports results of judicial proceedings.

44. With reference to seizures of pethidine mentioned in the Memorandum on the Illicit Traffic, the representative of France drew attention to the increasing licit manufacture and consumption of that drug, as shown in the last annual report of the Permanent Central Opium Board (E/OB/6). He expressed concern about this situation and said that the Board's findings should be regarded as an alarm signal. Illicit traffic and consumption generally grew as licit manufacture and consumption of a drug increased even in France where, though very stringent measures had been taken to limit and control the manufacture and use of synthetics, addiction to pethidine already constituted 7.5 per cent of all cases of drug addiction. The representative of the United States of America agreed that addiction to synthetic drugs was becoming an increasingly important problem, and there was a noticeable trend among morphine addicts to turn to synthetic drugs because they were easier to obtain. Many addicts forged prescriptions for them as they had for morphine,

and in the United States doctors had been warned on many occasions to avoid any over-prescription of such drugs.

45. At the request of the representative of the Union of Soviet Socialist Republics the Commission examined the reference in document E/CN.7/224 (section 52, paragraph (2) (d)) to the army stocks of the Union of Soviet Socialist Republics as being a source from which narcotics were diverted into the illicit traffic. The reference was based on information in a seizure report forwarded by the United Kingdom in respect of the British Zone in Germany (document E/NS.1950/Summary 3, Case 267, and in view of the circumstances as disclosed in this report which were explained by the representative of the United Kingdom, the Commission decided to delete sub-paragraph (d) from paragraph (2) of section 52 of document E/CN.7/224.

(b) ILLICIT TRAFFIC IN DIACETYLMORPHINE

46. In view of the particular importance of information on the illicit traffic in diacetylmorphine supplied to it by the representative of the United States of America, the Commission decided to include as annex D to this report a summary of a statement by the representative of the United States of America on the illicit traffic in diacetylmorphine.

47. In the course of the discussion of this statement, the Commission heard from the representative of the United States that, in Italy, the traffic in diacetylmorphine was due to diversion from legitimate factories, whereas in Greece and Turkey there was no legitimate manufacture and the supplies all came from clandestine factories. The representative of Turkey told the Commission that the Government of his country was doing its utmost to reduce the illicit traffic and that seizures of diacetylmorphine had increased as a result of the great efforts made by the authorities. Their success was shown by the fact that the diacetylmorphine sold on the retail market was sometimes adulterated to the point of containing more quinine and flour than drug. As to the number of addicts to diacetylmorphine, they constituted, in Turkey, only 3 per cent of the total.

48. The Commission learned that in 1950, in France, there had been, for the first time, no licit manufacture of diacetylmorphine. Existing stocks had been sufficient to meet the country's needs which had amounted to less than 20 kilogrammes in the year.

49. The information given to the Commission on the smuggling of diacetylmorphine into the United States applied also to Canada. In the report on the illicit traffic in the latter country during 1950 it was stated that "ready availability of illicitly imported heroin has made this narcotic so popular that 320, or over 85 per cent, of these cases (violations of the Opium and Narcotic Drug Act) relate to that drug. . . . The . . . heroin involved could not have been diverted from licit channels in quantities sufficient to cover the convictions based on that drug. . . .". Any measures taken by European governments to suppress the illicit manufacture and smuggling of diacetylmorphine were, therefore, of great importance to Canada.

50. The President of the Permanent Central Opium Board informed the Commission that during the past

few years both the Board and the Supervisory Body had been pointing out to the Italian authorities how large their estimates and use of diacetylmorphine were in comparison with those of neighbouring countries. The large production of this drug in Italy had probably resulted mainly from the prodigality with which the authorities had granted licences to laboratories for its manufacture, and from the fact that consumption had probably been estimated on the basis of requests from the laboratories to manufacture rather than on the actual needs of the country. There had also been a lack of adequate controls. Technically, it was the function of the Supervisory Body and the Board to enter into the necessary negotiations with the Government of Italy, but he thought these bodies would appreciate any action the Commission might take to help. These interventions with that Government had already been greatly helped by the steps taken by the Government of the United States to combat the excessive manufacture of diacetylmorphine.

51. At the conclusion of its debate on the illicit traffic in diacetylmorphine, the Commission decided by 5 votes in favour, with 2 against and 5 abstentions, to ask the Secretary-General:

(1) To bring to the attention of the Government of Italy the summary records of those of its meetings at which the question of the illicit traffic in diacetylmorphine was discussed;

(2) To inform that Government that the Commission while appreciative of the energetic action which the Italian authorities have already taken with a view to stopping further diversion of diacetylmorphine from legitimate sources in its territory into the illicit traffic invites the Government of Italy to study the possibility of:

(a) Taking measures to ensure that existing stocks of diacetylmorphine are safeguarded against such diversion; and

(b) Taking steps to prosecute without delay all persons implicated in the large diversion of this drug which has taken place during the past five years; and

(3) To request the Government of Italy to send to the Secretary-General, for communication to the Commission, a report on the action which it has been found possible to take in regard to the matters brought to its attention in the Secretary-General's communication.

52. In addition the Commission decided to request the Secretary-General to send a communication to the Government of Greece, congratulating it on behalf of the Commission on the efforts it has already made to suppress the illicit traffic in diacetylmorphine, and asking for increased vigilance.

(c) **BURMESE PROPOSAL FOR THE ESTABLISHMENT OF A UNITED NATIONS COMMITTEE TO CO-ORDINATE THE EFFORTS OF CERTAIN FAR EASTERN GOVERNMENTS TO SUPPRESS POPPY CULTIVATION AND THE SMUGGLING OF OPIUM**

53. With representatives of Burma and Thailand in attendance, the Commission discussed the proposal con-

tained in paragraph 2.5 of document E/CN.7/222. The representative of Burma told the Commission that in some areas along the frontiers between Burma and Yunnan, Indo-China and Thailand opium was still produced, and the Government of Burma accordingly considered that the measures for the suppression of this production so far taken by the respective national authorities were not sufficient and that the existing co-operation between those authorities to that end was not satisfactory. For this reason it proposed the setting up of a co-ordinating committee of the United Nations to which it was ready to give all assistance. In a further elaboration of the proposal the representative stated that the Government saw the function of such a committee in the first instance as that of a commission of inquiry charged with the task of collecting information and giving advice to the governments concerned. The committee might be succeeded at a later stage by a permanent or semi-permanent supervisory organ, which need not necessarily be a United Nations body.

54. The view was expressed, on behalf of the members of the French Union concerned, that the creation of the proposed committee was unnecessary and that the work suggested for it would be better done by national authorities who should establish an effective liaison for that purpose between the competent police organs in the various countries. The representative of France insisted on the importance of national control and advocated measures such as those adopted by the United Kingdom in Singapore (see E/CN.7/219/Add.3) as the best solution to the problem. Such measures should, indeed, be taken in all territories facing similar problems, although the essential condition for the success of any enforcement policy was the stabilization of political conditions which alone made social progress possible. The Commission on Narcotic Drugs might also advise the governments concerned on the line to be followed in their policies of suppression. The French Union would combat the illicit traffic in all its territories, but it would not participate in the proposed committee, nor allow it to make inquiries within the Union's borders.

55. Other members of the Commission shared the view that it would be inadvisable to set up a special committee, but considered that an expert, such as a police expert with special knowledge of illicit traffic, who might perhaps be designated by the International Criminal Police Commission, should be appointed to give advice to the governments concerned.

56. The representative of the Secretary-General, commenting on the view maintained by the representative of Burma that a United Nations committee would provide the only satisfactory means of attacking the problem, drew the Commission's attention to the fact that even as far back as 1909 it had been clearly established that national measures alone were not enough to ensure an efficient control of narcotic drugs. In any event it would hardly be appropriate for the Commission to reject the Burmese proposal outright, and he suggested that the Commission might desire to ask the governments concerned to communicate their views on it and study them at a later date.

57. The Commission was not disposed to accept the Burmese proposal, as formulated in document E/CN.7/

222, but felt that an approach to the government concerned on the lines suggested by the representative of the Secretary-General should be considered. It accordingly examined a draft resolution to give effect to that suggestion, to which it brought a number of amendments. The text of the resolution, as adopted by 10 votes in favour, 1 against and 3 abstentions, reads as follows:

Burmese proposal for the establishment of a United Nations committee to co-ordinate the efforts of certain Far Eastern governments to suppress poppy cultivation and the smuggling of opium

The Commission on Narcotic Drugs,

Having considered a proposal by the Government of Burma (document E/CN.7/222, paragraph 2.5) that a United Nations Committee be established to supervise and co-ordinate the efforts of the Governments of Burma and certain neighbouring countries to find ways and means to suppress poppy cultivation and the smuggling of opium;

Having heard during its 132nd meeting (summary record E/CN.7/SR.132) from a representative of the Government of Burma a more detailed outline of that Government's ideas as to how such a United Nations Committee should function;

Recognizing also that views were expressed that an expert adviser might fulfil some of the purposes for which the United Nations Committee was proposed;

Requests the Secretary-General to communicate the Burmese proposal, together with the summary records of the meetings of the Commission at which it was discussed, to the Governments of Burma and the neighbouring States, and to inform those Governments that the Commission desires their views on the proposal with the intention of studying it in greater detail at a subsequent session.

(d) ESTABLISHMENT BY THE ARAB LEAGUE OF A PERMANENT OFFICE FOR NARCOTICS

58. Drawing the Commission's attention to information contained in chapter V of the Government of Egypt's Annual Report for 1950 on the Traffic in Opium and other Dangerous Drugs (E/CN.7/223), the representative of Egypt stated that the increase in the number of seizures in Egypt in 1950 as compared with previous years was due to a stricter application of control measures rather than to an increased illicit demand. The intensified campaign against narcotics had resulted also in an increase in the illicit prices and was contributing to a reduction in the number of addicts.

59. In spite of all the efforts of the authorities, however, Egypt, because of its geographical position, was having considerable difficulties in preventing the smuggling of narcotics into the country through the desert near Suez and on board small coastal vessels. Other Arab States had experienced similar difficulties in combating the illicit traffic and accordingly while the Commission was holding its sixth session the Arab League had set up the Permanent Office for Narcotics, the proposed creation of which had been reported to

the Commission during its fifth session. The representative of Egypt had undertaken to transmit to the Secretary-General as soon as might be possible full details of the organization and programme of this important new inter-governmental agency, for communication to the Commission in due course.

12. Permanent Central Opium Board

60. The President of the Permanent Central Opium Board drew the Commission's attention to resolution 356 B (XII), entitled "Statistics required by the Permanent Central Opium Board", which the Economic and Social Council had adopted on 27 February 1951. (The resolution takes the form of a renewed request to governments, particularly to those of twenty-six States which, in 1949, failed to send the Board many of their statistical reports, to make every effort to submit to that organ the statistics required of them under the narcotics conventions to which they are parties.)

61. He stated that the Board had not met since the resolution had been adopted, but it would undoubtedly receive the resolution with appreciation. It would also hope that ministries of foreign affairs throughout the world would, in future, take a more active interest in ensuring that their respective countries sent to the Board the statistics without which it could not work. Although other ministries were usually primarily responsible for the national control of narcotics, it was to the ministries of foreign affairs that the Board usually addressed inquiries in the first instance, and it was therefore greatly to be hoped that these ministries would assume responsibility for ensuring that the statistics submitted were accurate, timely and complete.

13. Application of article 2 of the 1948 Protocol

62. The representative of the United States of America reminded the Commission that, on 17 October 1950, the Government of the United States had addressed a notification to the Secretary-General, in accordance with article 1, paragraph 1, of the 1948 Protocol, stating that fourteen synthetic drugs, all of which were or might be used for medical and scientific purposes, were considered by the United States as liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in article 1, paragraph 2 of the 1931 Convention, and requesting that they be put under international control.

63. The Secretary-General had transmitted the notification to the World Health Organization, which had promulgated its decision on twelve of the drugs referred to therein; ten were now subject to the régime of international control laid down for the drugs specified in article 1, paragraph 2, group I of the 1931 Convention and two were subject to the régime laid down for those in group II. The Government of the United States appreciated the very prompt action of the World Health Organization on the twelve drugs and had been gratified to learn that the Organization's Expert Committee on Drugs Liable to Produce Addiction would consider at its next session the liability to produce addiction of the remaining two drugs, namely NU-1932 and NU-2206.

64. In view, however, of the dangerous nature of these drugs, as had been emphasized in the United

States notification of 17 October 1950, the representative of the United States introduced a draft resolution reading as follows:

Application of article 2 of the Protocol of 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 on 11 December 1946

The Commission on Narcotic Drugs,

Having considered a part of a notification dated 29 January 1951 by the Director-General of the World Health Organization in connexion with a notification dated 17 October 1950 made by the Representative of the United States of America on the Commission pursuant to Article 1, paragraph 3 of the Protocol of 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 on 11 December 1946, to the effect that the Expert Committee on Drugs Liable to Produce Addiction of the World Health Organization would at its next session consider the liability to produce addiction of the drugs

1-methyl-3-ethyl-4-phenyl-4-propionoxy piperidine (otherwise known by the symbol NU-1932) and 3-hydroxy-N-methyl morphinan (otherwise known by the symbol NU-2206);

Having examined the above-mentioned notification by the representative of the United States of America, in which it is stated that in view of their addiction liability both of the drugs referred to above have been subjected to the Federal narcotics laws of the United States of America;

Decides, in accordance with the provisions of article 2 of the said Protocol, that pending a final decision by the World Health Organization on the liability to produce addiction of

1-methyl-3-ethyl-4-phenyl-4-propionoxy piperidine (otherwise known by the symbol NU-1932) and

3-hydroxy-N-methyl morphinan (otherwise known by the symbol NU-2206),

the measures applicable to drugs specified in article 1, paragraph 2, group I of the 1931 Convention shall provisionally apply to the above-mentioned drugs.

65. The representatives of Canada, France, Mexico and the Union of Soviet Socialist Republics supported the draft resolution, and after the Commission had, at the instance of the representative of the Netherlands, again examined the information on the two drugs in question which the Government of the United States had placed at its disposal during its fifth session (document E/CN.7/209), the draft resolution was unanimously adopted.

66. On 30 April 1951 the Secretary-General, in accordance with the provisions of article 2 of the Protocol, notified all Parties to that treaty of the decision taken by the Commission.

III. THE PROPOSED SINGLE CONVENTION ON NARCOTIC DRUGS

14. Views of the International Association of Penal Law and of the International Bureau for the Unification of Penal Law

67. The Commission heard a statement by the representative of these two non-governmental organizations, which have consultative status "B" with the Council, on the framing of certain provisions in the Single Convention, particularly those relating to illicit traffic.

68. The view expressed by this representative was that under the new treaty, Parties should be required to treat illicit trafficking in narcotics as a very serious criminal offence for which appropriate penalties should be provided by their respective national legislations. In addition the acceptance by all Parties of the principle of universality in the punishment of traffickers would provide a powerful deterrent to participation in this activity. As an additional curb on the illicit traffic, it might also be desirable to provide for such measures as the isolation and compulsory treatment in closed institutions of drug addicts, in which case a definition of drug addiction would be required in the treaty.

15. Future elaboration of the draft treaty

69. During its fifth session, members of the Commission had undertaken to request the governments they respectively represented to transmit to the

Secretary-General their written observations on the draft of the single convention (E/CN.7/AC.3/3) by the beginning of May 1951 in order that these observations might be considered by the Commission at its sixth session (see the report on the fifth session, E/1889: E/CN.7/216, paragraph 68.2).

70. In view of the short time at its disposal and of the fact that only three Governments (Canada, France and the United Kingdom) had submitted their observations (E/CN.7/AC.3/L.2 and Addenda 1-3), and that, moreover, as had been foreseen, the Permanent Central Opium Board and the Supervisory Body had been unable to forward its views by that date, the Commission devoted comparatively little time to discussing the draft treaty.

71. The following questions were, however, considered:

(i) The possibility of simplifying the text of the draft treaty;

(ii) Whether the continued existence of the Commission on Narcotic Drugs as a control organ should be secured by the Convention itself or whether the Commission should continue to be a functional commission of the Economic and Social Council;

(iii) The desirability of limiting the powers proposed for the Commission under the treaty and,

in particular, the question whether decisions of the Commission should be subject to rescission by the Council or should require express approval by that body;

(iv) The desirability of extending, by a general clause, the power of the semi-judicial body, i.e., of the International Drug Board;

(v) The elimination or modification of the international clearing house system (section 24); and

(vi) Various drafting points.

72. After a discussion of the procedure to be followed in the further elaboration of the draft instrument, the Commission came to the conclusion that it would be desirable for an international diplomatic conference to be called in due course to adopt the new treaty. As far as the immediate future was concerned, however, the individual members of the Commission undertook to arrange for the observations on the draft treaty of the governments they

respectively represented to be sent to the Secretary-General so as to reach him not later than 1 November 1951, if such observations had not already been transmitted.

73. In addition the Commission decided to request the Secretary-General:

(i) To arrange with the joint Secretariat of the Permanent Central Opium Board and Supervisory Body to send the observations of these two organs on the draft single convention direct to the governments represented on the Commission at the earliest possible date (sending at the same time copies to the Secretary-General), so as to give these governments the benefit of those observations when preparing their own for transmission to the Secretary-General by 1 November 1951; and

(ii) To prepare an annotated compilation of all observations received by 1 November 1951 for consideration by the Commission at its seventh session.

IV. COCA

16. The Secretariat's mission to Peru

74. During its examination of the progress report of the Division of Narcotic Drugs (E/CN.7/225), the Commission heard from the Director of the Division a short account of the conversations he had had earlier in the year with the competent Peruvian authorities on questions affecting the control of narcotics in that country. (See summary record of the 130th meeting, E/CN.7/SR.130)

75. The Secretariat's mission, which had been undertaken at the request of the Government of Peru, had lasted from 2 to 7 March 1951, and the conversations had been chiefly concerned with the problem of the coca leaf.

76. The Peruvian authorities had shown great willingness to co-operate with the United Nations in solving the problems to which the habit of chewing the coca leaf had given rise, but proposed to take action gradually to suppress it only after they had received precise scientific proof of its effects on the part of the population which practises it. They had however

received sympathetically a suggestion that it would not necessarily be essential to await the final verdict of science on all the effects of the habit before starting, in a few specially selected pilot villages or communities, more detailed studies of the many factors that lead to chewing. As an integral part of such studies, in which both Peruvian and international experts would collaborate, an attempt would be made to improve the standards of living of the inhabitants with the object of securing a voluntary renunciation of the habit.

17. The nature of the habit of chewing the coca leaf

77. In a statement which he made on the difference between addiction-producing and habit-forming drugs, the representative of the World Health Organization informed the Commission, in connexion with the report of the United Nations Commission of Enquiry on the Coca Leaf, that according to his knowledge and observations chronic chewing of the coca leaf could be detrimental to the individual and to society.

V. OPIUM

18. Limitation of production

78. The Commission's main task during its sixth session was, in the words of Economic and Social Council resolution 355 C (XII), "To make every possible effort... to find a basis acceptable to the Governments principally concerned on which an international agreement to limit the production of opium to medical and scientific needs could be formulated".

79. The proposal for such an international agreement before the Commission was the draft "interim agreement for the limitation of the production of opium to medical and scientific needs", the main principles of which are set out below.

80. The Commission accordingly decided to begin its work by the consideration of the draft interim agreement, and, in particular, of the problems connected with the establishment, under the terms of the interim agreement, of an international opium monopoly. It heard in this connexion a restatement of the views of the Union of Soviet Socialist Republics and Poland on the interim agreement, namely, that its development should take second place to that of the single convention on narcotic drugs, that the operation of an opium monopoly should not be a United Nations activity because the Charter did not provide for such commercial work, that the proposed treaty would infringe the sovereignty of States, that it would not provide any

new control measures or sanctions not provided for in the 1925 and 1931 Conventions, and that it would in any event be an ineffective instrument.

81. The following are the main principles of the proposed interim agreement, of which the third revision of the draft text is contained in document E/CN.7/221:

(i) Establishment of an international organization with the exclusive right to the international trade in opium;

(ii) Annual determination of the world's requirements of opium for medical and scientific needs, by a system of requisitions to be furnished annually by all countries importing opium;

(iii) Limitation of the world's annual production of opium to medical and scientific needs, by a system of annual allocations of production quotas to opium-producing countries, in accordance with the shares agreed upon at the Ankara meeting of the *Ad hoc* Committee of the Principal Opium-producing Countries (see E/CN.7/221, annex B);

(iv) Fixed opium prices, to be adjusted in accordance with changes in the world prices of designated commodities and with certain other factors;

(v) Maintenance of international opium stocks to provide for years of insufficient crops and other contingencies;

(vi) Establishment of national opium monopolies in all countries producing opium, with the exclusive right of licensing farmers to cultivate the opium poppy for the production of opium (such farmers being bound to deliver their total crops to the national monopolies), of designating the areas in which such cultivation might be undertaken, of wholesale trading in opium, and of selling opium to the international organization;

(vii) International inspection of the production of and trade in opium; and

(viii) International control to be exercised by the Permanent Central Opium Board, such control to provide, in extreme cases, for the imposition of an export or import embargo of opium.

82. The Council will recall from the Commission's report on its fifth session (E/1889:E/CN.7/216, paragraph 177) that in November and December 1950 no agreement had been reached on four major questions connected with the establishment of an international opium monopoly, namely:

(i) The prices at which the international opium monopoly should conduct its opium transactions;

(ii) The measures required to meet competition from opium alkaloids made from poppy straw;

(iii) The solution of the problem of competition facing drug-manufacturing countries from exports of opium alkaloids by opium-producing countries; and

(iv) The precise form international inspection should take.

83. The Commission accordingly decided that it would devote its attention first to these four questions, and would also consider the cost of operating the international opium monopoly, which it found to be closely related with the question of the prices at which the international monopoly would buy and sell opium.

84. The Commission debated whether the discussion of these questions should be conducted in closed session. It recognized that it would be an advantage that members of the Commission should be able to have as full and frank an exchange of views as possible, and that, having regard to the nature of these questions, particularly the questions of price, day-to-day publicity might be undesirable. On the other hand the Commission felt it would be undesirable to hold closed meetings. It was accordingly decided that the members of the Commission should hold informal meetings to discuss these questions; nine such informal meetings were held and were followed by public discussion in the Commission.

85. In view of the influence of the discussions during those meetings on the subsequent debates in the Commission itself, and since there is no longer any reason for treating the proceedings at those meetings as private, the Commission considered it would be very desirable for the records of those meetings to be made public and accordingly decided to request the Secretary-General to make public the summary records of the nine informal meetings of the members of the Commission held between 11 April and 17 April 1951.

19. Proposed interim agreement to limit the production of opium to medical and scientific needs

(a) PRICE AT WHICH THE INTERNATIONAL MONOPOLY SHOULD CONDUCT ITS OPIUM TRANSACTIONS

86. The Commission discussed a proposal made by the representative of the United States of America that the price of opium (conforming to the standards of purity adopted by the United States of America) should be fixed at \$US1.40 per unit of morphine, which would give a price of \$US16.80 per kilogramme of opium having a content of 12 per cent morphine, and that this price should be adjusted from time to time in accordance with the price indexes of other commodities. It was stated that this offer represented the average of prices paid for opium in the years 1947, 1948 and 1949.

87. In the discussion of this proposal and of the question of price generally the following opinions were expressed:

(i)(a) The opium-producing countries maintained that they had to pay their farmers for opium a price sufficient to ensure that they should not be encouraged to sell their crop on the illicit market. Moreover, any price proposed

should include the elements constituting the cost of production of opium, namely:

- (1) The purchase price from farmers;
- (2) The cost of collecting, handling, warehousing, etc.; and
- (3) The cost to the national monopoly of supervising cultivation and production;

The proposed price was lower than current prices, and would therefore involve a reduction in the current price paid to farmers;

- (b) It was not accepted that a price of \$US16.80 was representative of the level of opium prices for the years 1947-49. On the contrary, although there might be instances in which opium-producing countries had been compelled to sell at uneconomically low prices, the price suggested was far below the price obtained by producers, during this period and since, on the free world market. Although the representative of the United States of America had produced figures in support of the statement that the price offered represented the average of prices paid for opium by the United States in the years 1947-49, it was not accepted by the representatives of producing countries that a price of \$US16.80 correctly reflected the level of opium prices for those years;

- (c) The economy of the opium-producing countries was in general not fully developed, and they would suffer considerable financial losses from the limitation of the production of opium, whereas the large importers of opium were highly industrialized and wealthy countries, it would therefore be equitable that the latter should be prepared to pay a price fair to the producing countries. Reference was made to a statement that the average dose per morphine injection was 15 to 20 milligrammes and that accordingly at least 50,000 injections could be obtained from one kilogramme of morphine. On the basis of the price of \$US1.40 per unit of morphine, i.e., per 10 grammes of crude morphine present in the opium, a kilogramme of crude morphine in the opium would cost \$US140. If this price were increased by \$US25 to \$165, i.e., to a price of \$US19.80 for one kilogramme of opium having a 12 per cent content of morphine, the price of 20 morphine injections would be increased by the negligible amount of one U.S. cent (i.e., \$US25 divided by 50,000);

(ii) On the other hand it was stated by some representatives, including those of the European drug-manufacturing countries, that:

- (a) A high price for opium would lead to the replacement of opium by poppy straw as raw material in those countries where the poppy was or could be cultivated for its seed, thus rendering available a cheap raw material, while at the same time there would be a general tendency for opium alkaloids to give way to synthetic substitutes. Some representatives were not fully convinced that this development would take place, both

because the supply of inexpensive poppy straw depends upon the extent to which the poppy can be cultivated for its seed and also because it often takes time for a synthetic substitute to become sufficiently cheap to affect the demand for a product of natural origin. It was, however, stated that the synthetic drug laevo-iso-methadone, which could be manufactured relatively cheaply was already a satisfactory substitute for morphine and could be employed as a substitute for codeine. In view of the fact that the greater part of imported opium was used for the manufacture of codeine, a high price of opium might result in a large-scale replacement of codeine by laevo-iso-methadone and consequently undermine the position of opium as a raw material;

- (b) In recent years, as shown by the figures published by the Permanent Central Opium Board in its annual report for 1949, competition from exports of alkaloids made from poppy straw and from alkaloids made in opium-producing countries had intensified and now accounted for a considerable part of the world export trade in such alkaloids. It was contended that the question of price could not be isolated from the problem of this growing competition, especially as the market was unsettled and any price for opium fixed now would not become effective immediately but in two years' time, the estimated period before the interim agreement could be ratified and brought into operation;

- (c) Opium was bought in large quantities and any price increase would impose heavy burdens on manufacturers of alkaloids and on governments operating national health insurance schemes. The weight of this argument was not affected by reference to the comparatively small increase in the price of a single morphine injection. Moreover, the cost of a morphine injection was but a small fraction of the cost of medical treatment involving the use of this drug.

88. The Commission was unable to reach any agreed conclusion on the question of price.

- (b) COMPETITION IN THE EXPORT TRADE IN OPIUM ALKALOIDS FROM ALKALOIDS MADE FROM POPPY STRAW

89. This problem was discussed together with the problem referred to in the following sub-section (c) (paragraphs 91 to 93) of competition from opium-producing countries exporting opium alkaloids. The following methods were proposed for its solution:

- (i) A requirement that parties to the proposed interim agreement should buy opium alkaloids only from other parties to the agreement. Representatives of opium-producing and of drug-manufacturing countries felt that a provision of this nature would be desirable but would not suffice in itself to solve the problem, because countries exporting alkaloids made from poppy straw might themselves become parties to the agreement. On the other hand, it was suggested that these countries would not become parties to an

agreement providing for international inspection. Other members of the Commission held that this hope was not justified, that the countries in question would become parties and that many drug-importing countries would hesitate to become parties to the interim agreement, if, by doing so, they would be cut off from cheap sources of supply;

(ii) The establishment of an international alkaloids monopoly which had already been proposed at the fifth session of the Commission, was also suggested. Such an alkaloids monopoly would supplement the international opium monopoly by applying to opium alkaloids the same principles of the assignment of quotas, the fixing of prices and the obligation to purchase only from parties. The advantages of such an alkaloids monopoly would be:

- (a) It would solve the problem of competition from poppy straw;
- (b) It would also solve the problem of competition from the export of alkaloids by opium-producing countries;
- (c) It would, by including synthetic drugs, solve the problem of competition from such drugs; and
- (d) It would, in consequence, facilitate the solution of the question of price;

It was conceded by many members of the Commission that the establishment of an international alkaloids monopoly would offer a theoretical solution of most of the difficulties in the way of the establishment of the international opium monopoly;

The following objections were, however, raised:

- (1) The establishment of an international alkaloids monopoly would interfere with the free international trade in alkaloids;
- (2) So far as the control of narcotic drugs and the prevention of illicit traffic in those drugs was concerned, there was no need for such interference, because this trade was reasonably well controlled by the existing international conventions and it might be difficult to justify such extensive interference with this trade as the proposal for an international alkaloids monopoly would involve, merely on the ground that this was necessary for the purpose of the establishment of the international opium monopoly. From this point of view, it was suggested that there might be less far-reaching means of removing the difficulties in the way of establishing an international opium monopoly;
- (3) There was little hope that the idea of an international alkaloids monopoly would prove acceptable to the very large number of countries which were neither opium-producing nor drug-manufacturing countries;

(iii) The establishment of a low price for opium used in the manufacture of drugs for export. In this connexion reference was made to a statement according to which at least 75 per cent of all imported opium was used domestically, while a maximum of 25 per

cent was used for the manufacture of drugs for export. Any price concession in respect of the 25 per cent of imported opium could be easily recouped by a moderate increase in the price of the 75 per cent used for domestic purposes. Two methods of making this price concession were suggested:

- (a) The proportion between the amount of opium imports which in a given number of years was used for domestic purposes and that which was used for the manufacture of exported opium alkaloids should be established in the case of each drug-manufacturing country. On the basis of this proportion, each country would obtain one part of its opium, i.e., that part representing domestic needs, at a higher price, and the other part, i.e., that representing the manufacture of opium alkaloids to be exported, at a lower price. The opinion was voiced that such a scheme would establish a double price system which would, in principle, be very undesirable, and would, in fact, amount to subsidizing exporters at the expense of domestic consumers;
- (b) A rebate on the price of opium used in the manufacture of alkaloids for export should be made, so far as necessary, to drug-manufacturing countries, the amount of the rebate depending upon the average price of opium alkaloids prevailing on the export market in a given year. This rebate would be provided from a compensation fund to which all producers would contribute. (It was proposed that opium-producing countries exporting opium alkaloids should contribute in relation both to the amount of their exports and to the extent to which the prices charged for such exports fell below the average prices of opium alkaloids on the export market.) This method could be combined with the previous method. The opinion was, however, held that such a scheme would be too complicated to be practical. The objection was also raised that the price of opium was not the sole factor in the determination of the price of opium alkaloids and that, therefore, any correlation between the price of opium and the price of opium alkaloids would be unrealistic.

90. The Commission did not arrive at any agreed solution of this problem.

(c) COMPETITION IN THE EXPORT TRADE IN OPIUM ALKALOIDS FROM ALKALOIDS MANUFACTURED IN OPIUM-PRODUCING COUNTRIES

91. The opinion was expressed that it would be unfair for an opium-producing country selling opium to the international monopoly at a profitable price, to export opium alkaloids made from its own opium obtained at cost price. On the other hand it was stated that such competition was a fact of the present situation in the opium trade which ought to be accepted, and that there was no reason why the enterprise of opium-producing countries should be penalized.

92. The following measures were suggested for the protection of exporters of opium alkaloids made from opium bought from the international monopoly:

(i) Opium-producing countries should not be permitted to export opium alkaloids;

(ii) Opium-producing countries which manufactured alkaloids for export should be allocated a fixed percentage of the world's total exports of opium alkaloids;

(iii) Establishment of an international alkaloids monopoly (see sub-section (b) (ii) above);

(iv) Establishment of a low price for opium purchased from the international monopoly and used in the manufacture of alkaloids for export (see sub-section (b) (iii) above).

93. No agreement on these proposals was reached by the Commission.

(d) THE COST OF OPERATING THE INTERNATIONAL OPIUM MONOPOLY

94. (i) The Commission considered the cost of operating the international monopoly as a very important factor affecting the purchase price of opium. It proceeded on the assumption that the total annual costs would amount to about \$US600,000. The Commission assumed that the costs would be composed of two main items:

(a) The administrative costs consisting of such expenses as salaries, travel, rent, storage, insurance, freight, etc. estimated to amount to an annual total of about \$US350,000. This would include the costs of international inspection, estimated at \$US90,000 to \$100,000;

(b) The cost of a loan of about \$US7 million. This loan was considered necessary for the purchase of opium stocks of the amount required to meet the world's needs for medical and scientific purposes for one year. These needs were estimated at 400-450 metric tons. On the assumption that a loan of \$7 million could be obtained, repayable in 40 years, and that the annual interest charges would not exceed 1 per cent, the annual loan charges on the international monopoly were assumed to be as follows: \$US175,000 annual repayments on the capital of the loan (i.e., 7,000,000, divided by 40). \$US70,000 annual payments for interest on the loan (i.e., 1 per cent of \$US7 million). Possible additional expenses of a minor nature (e.g., bank commission, legal fees, etc.) were neglected in this computation. It was tentatively assumed that the total annual loan charges would amount in round figures to about \$US250,000;

(ii) The Commission realized that the assumed annual costs of the international monopoly, which formed the basis of its discussion, were highly hypothetical. Several members were of the opinion that the costs could not be estimated even approximately as long as there was no definite agreement on the functions which the international monopoly should perform and on its precise administrative structure. The size of the loan and of the loan charges added another element of uncertainty because the amount of the loan depended on the price, not yet determined,

of the opium stocks which it would be desirable for the international monopoly to acquire, and several factors determining the credit position of the proposed monopoly remained unpredictable pending a final decision on the text of the proposed interim agreement;

(iii) The Commission considered two main problems:

(a) A possible reduction of the annual costs of the international monopoly. The following ideas were suggested by members of the Commission:

(1) The international monopoly should take over the stocks of opium it required on a loan basis. In this way the necessity for borrowing capital would disappear, and the annual costs of the organization would be reduced by the amount necessary for servicing the bank loan, i.e., by about \$US250,000. The opium-producing countries strongly objected to this proposal because to surrender these stocks to the international monopoly would be a locking up of capital which would be refunded, if ever, only after many decades. This would be a burden which the producing countries ought not to be called upon to bear;

(2) An attempt should be made to obtain loan conditions under which no payments would be required on capital and interest in the first five years. It was realized that in that event the charges would be slightly higher for the remaining thirty-five years of the life of the loan, but it was suggested that if the international monopoly proved its value after a period of five years, Parties would be willing to assume the increased costs. If, on the other hand, the operation of the international monopoly should after five years prove to be unsatisfactory, the proceeds of sale of the available opium stocks could be used for the payment of the capital and accrued interests of the loan;

(b) The distribution of the costs of the international monopoly among drug-manufacturing, opium-producing and other ("consuming") countries and the United Nations. In this connexion the following suggestions were made:

(1) The United Nations should assume the total costs of the international monopoly or at least its administrative costs (approximately estimated at \$US350,000) i.e., the costs other than loan charges. The opinion was expressed that certain legal difficulties might arise from the fact that the General Assembly would have to appropriate annually the funds necessary for that purpose; moreover if the United Nations were to bear the costs of the international monopoly, it would be entitled to exercise a corresponding control of the business of the organization, whereas the existing scheme contemplated control by the countries most directly concerned with the opium trade;

(2) The United Nations should assume the costs of the international inspection of the opium trade. The Commission thought that this would be justified because the proposed inspection would

be instituted in the interest of all countries and not merely of drug-manufacturing and opium-producing countries;

- (3) A part of the costs of the international monopoly should be borne by countries which were neither manufacturers of opium alkaloids nor producers of opium;
- (4) The costs of the international monopoly (or the costs remaining if the suggestions referred to under (1) or (2) were adopted) should be divided between opium-producing and drug-manufacturing countries. Different opinions were expressed as to the proportion in which they should be divided — equally, two to one, or one to two.

(e) INTERNATIONAL INSPECTION OF THE OPIUM TRADE

95. Many members of the Commission, including all representatives of opium-producing and drug-manufacturing countries, regarded some form of international inspection as essential for the successful operation of the international monopoly. Some members were opposed to international inspection on the grounds that it was inconsistent with the principle of national sovereignty and with the Charter of the United Nations; others felt that though there might be cases in which a departure from this principle could be justified, the international control of the production of opium by means of an agreement which was largely of a commercial character could not justify such a departure.

96. Those who favoured international inspection agreed that it must be carried out in close co-operation with, and with the assistance of, the national authorities concerned; but there were different views as to the authority by whom it should be undertaken, the terms in which it should be described, and the character and purpose of inspection.

97. As to the international organ which should be in charge of, or direct, international inspection, the Secretary-General, the Permanent Central Opium Board and the international monopoly itself were mentioned.

98. As to the terms in which inspection should be described, it was suggested by some representatives that the use of the term "inspection" would arouse national susceptibilities and that it would be preferable to use the term "visit" or some other term which would not carry the connotation of interference in a country's affairs.

99. As to the character and purpose of inspection, some members considered that inspection should be concerned merely with the commercial side of the international monopoly's operations, and that any inquiries as to whether the provisions of the interim agreement were being complied with should be carried out only in accordance with the provisions of section 26, paragraph 1 (b) of the draft single convention on narcotic drugs (E/CN.7/AC.3/3) which provides for a local inquiry, with the consent of the country concerned, if there is reason to believe that the provisions of that draft treaty are not being observed. Others considered that inspection must have a wider scope and that it

would assist national authorities to prevent a situation arising in which it might be necessary to invoke the sanctions for which provision is made in the interim agreement.

100. A compromise proposal was made according to which the officials of the international opium monopoly should, in the performance of their commercial functions, be enabled to gather the information which it was intended to obtain by a system of international inspection.

101. It was the view of representatives of drug-manufacturing countries that individual inspections should not depend on the prior consent of the governments concerned. The majority of the representatives of opium-producing countries on the other hand regarded it as essential that the consent of the government concerned should be required for each international inspection. It was stated that a system of inspection without such consent would be inconsistent with the principle of sovereignty, with provisions of the Charter of the United Nations, and would not take account of the strongly nationalist outlook in several countries the co-operation of which would be essential for the success of the international monopoly. Two different ideas were expressed as to the consent required: an inspection should take place only with the express consent of the government concerned; and an inspection should be permitted unless the government concerned expressly objected.

102. It was pointed out that express objections would rarely, if ever, be made, and such a system of inspection would for all practical purposes be equal to a system by which the consent of the government concerned was not required at all. The representatives of drug-manufacturing countries were, however, unable to accept either of these proposals, since they considered it essential that the principle of international inspection should not be dependent upon the consent of the government concerned.

(f) DECISION AS TO FURTHER ACTION ON THE PROPOSED INTERIM AGREEMENT

103. In view of its failure to reach agreement on any of the four main points upon which agreement would be required before an international opium monopoly could be established, the Commission considered what the next step should be. Some members were of the opinion that the problems involved could still be solved, and that a further effort should accordingly be made to reach agreement. The general opinion of the Commission, however, was that after sufficient discussion of the problems it was evident that a deadlock had been reached, and that no further progress could be made on the interim agreement during its sixth session. In the discussion of the situation, the view was expressed that an international opium monopoly was not the only, and not even necessarily the best, way of securing the aim of the limitation of opium production to medical and scientific needs. Most of the members, however, expressed the view that an international opium monopoly was the best method for the solution of the difficult problems connected with the achievement of this aim; but they recognized that further

progress could not be made for the time being; some members expressed their conviction that the idea of an international opium monopoly would be taken up again in the future.

104. It was felt that any progress towards the achievement of that aim which could be made by other methods, even though such progress might be limited, would be preferable to inaction pending the possibility of changed conditions permitting further consideration of the proposal for an international monopoly. It was suggested that some form of control of opium production on the analogy of the control of the manufacture and distribution of narcotic drugs established by the 1925 and 1931 Conventions would be of value as a step towards the ultimate aim of the limitation of the production of opium to the world's medical and scientific needs. It was at that juncture that the representative of France presented the proposals which are the subject of the following chapter.

105. In the course of the discussion of the situation which had arisen, the Acting Assistant Secretary-General in charge of the Department of Social Affairs made a statement in which he summarized the history of the efforts which had been made ever since 1932, in the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs, and subsequently in the Commission on Narcotic Drugs, to find a solution to the question of the limitation of the production of opium to such needs. He pointed out that the proposal for the establishment of an international opium monopoly for that purpose was not new, but was one to which both the Opium Advisory Committee and the Commission on Narcotic Drugs had been inevitably led by the nature of the problems to be solved. As early as 1936 the establishment of a system of quotas of production among producing countries had been proposed, and that had been accepted by the Opium Advisory Committee as an essential basis of its subsequent work. The conception of free competition which must necessarily result in over-production was inconsistent with the strict limitation of opium production to the amount required to meet the world's medical and scientific needs. The Opium Advisory Committee had been further led to the conclusion, which it expressed in its report of 1939, that regulation of price was also essential. The Committee had also stressed the fundamental difference, from the point of view of the method of limiting production, between the manufacture of opium alkaloids, which could at will be produced on short order and in sufficient amounts, and an agricultural product such as opium, which is dependent upon the harvest and the production of which was not subject, in anything like the same degree, to human control. The manufacture of alkaloids, moreover, was concentrated in the hands of comparatively few manufacturers, while opium was produced by many thousands of farmers, often living in territories outside the scope of immediate government control. The conclusion of all those who had given careful study to the question, including the Opium Advisory Committee, was that a statistical control, such as had operated with fair success in the case of manufactured drugs in securing limitation of manufacture, could not be applied to opium with any hope of com-

parable results. Moreover, the statistics which, under the existing conventions, the opium-producing countries should furnish to the Permanent Central Opium Board, were, as the Board had repeatedly pointed out in its annual reports, frequently not furnished and were sometimes defective. It was possible to devise a system of statistical control which would be an improvement upon the provisions of the 1925 Convention, but such a system in relation to opium would be at best a *post factum* control; it could not, so long as free competition existed, ensure limitation of production to the world's medical and scientific needs, and might, to the extent to which producing countries did in fact limit production within a free competitive system, present grave dangers from the point of view of ensuring that supplies of drugs vital to medicine were readily available. The international monopoly by reason of the assistance which a system of inspection would give to national authorities in their efforts to suppress the illicit traffic, by reason of the international stocks of opium which it would hold, and by reason of its provisions for quotas and price fixation, was the only scheme so far evolved which offered the possibility of effective limitation of production to the world's medical and scientific needs, reduction of illicit traffic, and assurance of an adequate supply of opium.

106. The Commission devoted some time to consideration of that statement. The view was expressed that since the suppression of the illicit traffic depended upon the efficiency of national controls in ensuring that all opium grown was handed over to national monopolies neither a monopoly nor a system of control analogous to that of the 1925 and 1931 Conventions would appreciably affect the volume of illicit traffic. Some members also considered that it did not make any substantial difference whether stocks of opium were held by an international monopoly or by national monopolies, and that stocks held both in producing and in consuming countries would be sufficient to meet the possibility of bad harvests or other diminution in supplies if production were limited. It was also thought that a system of control under which the Permanent Central Opium Board would be furnished with the statistical material necessary to enable it to review the problem of opium production as a whole would, if appropriate powers were given to the Board, be effective in securing some, and perhaps a considerable, measure of limitation of opium production though not necessarily a limitation to the amount required to meet the world's medical and scientific needs. During this and subsequent discussions, it was made clear by various representatives that they could not commit their governments in any way since they had no instructions.

107. After a full discussion, the Commission considered the question of whether there would be any advantage at the current juncture in resuming discussions on the unsolved problems of the international monopoly. By 8 votes to 2, with 3 abstentions, the Commission decided not to resume discussion of the international opium monopoly during its sixth session. The Commission then proceeded to consider in more detail the French proposal which is outlined in the following section.

20. Proposed protocol relating to the limitation of the production of opium

(a) THE BASIC IDEA

108. The representative of France stated that the scheme which he proposed would be based on the 1931 Convention and would comprise two agreements:

(i) A diplomatic convention for the settlement of the administrative problems connected with limitation of production of opium; and

(ii) A commercial agreement for which the proposed interim agreement to limit the production of opium to medical and scientific needs — with amendments — could serve as a basis.

109. (i) The diplomatic convention should provide:

(a) That the Supervisory Body, in agreement with the opium-producing countries, should:

(1) Establish for a given number of years the opium requirements of each party to the convention;

(2) Assign a share of the opium production to each producing country; and

(3) Determine, accordingly, the areas which should be cultivated with the opium poppy;

(b) That exports and imports of opium should be subject to a system of "licences" which should be limited (except where otherwise provided) to transactions between parties, and which should be within the quotas established by the Supervisory Body for each country in agreement with that country; and

(c) That each party should submit an annual report on the working of the convention.

(ii) The commercial agreement need not be inter-governmental, but might be of a private nature, and should settle commercial questions such as prices and markets which required continuous adjustments and were better settled in that way than by means of a diplomatic instrument.

110. The view was expressed that such a diplomatic convention without a supplementary commercial agreement would not accomplish the limitation of the production of opium but that if such a commercial agreement were to be private it would be objectionable in principle, since it would involve leaving the world's supply of an important source of medicine to be regulated by a restrictive agreement of private interests. Moreover, the association of the diplomatic convention with a commercial agreement would again lead to the difficulties which the Commission had not been able to resolve in the discussion of the international opium monopoly.

111. The Commission expressed appreciation of the French initiative and decided to make the French proposal the basis of its further discussion, concluding that the adoption of a diplomatic convention alone, i.e., the application of the principles of the 1931 Convention to opium, deserved further study. The representatives of Poland and the Union of Soviet Socialist Republics

dissented from this view, on the grounds that the study of the single convention on narcotic drugs should have priority and that the French proposal did not add anything new to the international control already established under existing treaties.

(b) THE FRENCH DRAFT PROTOCOL

112. The Commission having decided that it would be desirable to explore the possibility of applying the principles of the 1931 Convention to the production of opium, the representative of France introduced a "draft protocol to adapt the provisions of the 1931 Convention to opium" (annex E).

113. This draft provided for:

(i) An estimate system;

(ii) Statistical returns;

(iii) Limitation of production and import of opium within the estimates;

(iv) Establishment of national opium monopolies;

(v) International control permitting:

(a) Imposition of embargoes and

(b) Local inquiries;

(vi) Control of the non-medical use of opium.

114. The draft convention proposed to achieve the limitation of the production of opium to medical and scientific needs, on the basis not of annual production, but of production over a period of several years. It was stated that this was done to take into consideration the wide fluctuations in annual opium crops. It was proposed to authorize the Permanent Central Opium Board to determine how much each opium-producing country was over-producing or under-producing and to recommend to producing countries that they increase or reduce their sowings of the opium poppy as the case might be. The Board would be authorized to take measures provided for in the draft, the most extreme of which would be the imposition of an embargo against any country which in a period of five years did not follow the recommendations made by the Board in respect of any two years.

115. Countries would be required to keep their opium production and imports within their estimates.

116. In the event of a country's opium production or imports exceeding the amounts permitted under the terms of the draft convention, as well as in the case of non-compliance with the Board's recommendations referred to above, the Board would be authorized to apply sanctions, which to a large extent followed the pattern of those provided for by the 1925 and 1931 Conventions, but included the power to impose export embargoes as well as the import embargoes for which these Conventions provide. Any country subject to an embargo would have the right to appeal to the Economic and Social Council, which could request the Board to suspend the embargo, pending the final decision of the Council.

117. The Board would be given the right to despatch one or several of its members, or experts of its choice, to carry out a local inquiry in the territory of a country which was suspected of a violation of provisions of the convention which, if proven, would justify the imposi-

tion of sanctions. The selection of experts would be subject to the approval of the government concerned, and each inquiry would be undertaken only in co-operation with the competent officials of that government.

118. The system of estimates and statistics proposed would be applied to opium used for non-medical purposes, and the abolition of such use in as short time as the country concerned considered possible would be required.

119. In the discussion following the introduction of the French draft proposal several questions were raised, the most important of which are mentioned below.

Limitation of production of opium

120. The opinion was expressed that the convention would not lead to any reduction of the production of opium. On the other hand it was stated that the right of the Board to recommend to each opium-producing country the amount by which it should increase or reduce its sowings represented a disguised quota system in which the quotas would be determined by the Board. Without regulation of prices the interests of the opium-importing countries would be endangered since there might be a cartel of opium-producing countries and a *de facto* monopoly. Any attempt to regulate prices would be accompanied by the same difficulties which the Commission had been unable to resolve in connexion with the proposed international opium monopoly.

121. Several members stated, however, their opinion that the dangers of an opium cartel seemed to them very exaggerated. Reference was made to the Turko-Yugoslav opium cartel, which had existed before the last war and the beneficial effects of which were emphasized. It was pointed out that under the proposed scheme the existence of opium stocks in the hands of opium-producers and also of manufacturers would ensure the continuation of free competition. In the last resort if opium producers charged unreasonable prices they would do so at the risk of opium importers resorting to the use of poppy straw and increasing the manufacture and use of synthetic substitutes.

Direct or indirect limitation (limitation of stocks)

122. The feasibility of a direct method for limiting the production of opium was questioned in view of the unpredictability of the size of annual opium crops. It was suggested that limitation might be achieved by an indirect method, i.e., by providing for maximum opium stocks in all countries.

The feasibility of a statistical system of international control

123. The fear was expressed that under the French proposal the Permanent Central Opium Board would for its action have to depend on statistical information which it would be too much to expect offending countries to furnish since it would be self-incriminating. Experience had shown that limitation of production of opium could not be based on a mere statistical system. In fact the 1925 Convention already requires the submission of statistics concerning the production of opium; the Board was not, however, receiving satisfactory statistical information.

124. It was on the other hand pointed out that no system of limitation of production could succeed without the bona fide co-operation of governments. It was also suggested that failure to furnish statistics or reasonably accurate statistics should be included among the reasons for which the Board might impose sanctions.

Limitation of licit trade in opium

125. The representatives of producing countries suggested that production could be limited only if the number of producing countries were limited. Accordingly, only opium originating from countries which at the Ankara Conference of 1949 were recognized as producing and exporting countries, should be the subject of licit trade. This proposal was generally accepted by representatives of drug-manufacturing countries; some of the consuming countries, however, objected to it.

Local inquiries

126. It was suggested particularly on the grounds of the principle of national sovereignty that no inquiry should take place without the consent of the country concerned. The opinion was also expressed that no embargo should be permitted without a preceding local inquiry.

127. It was, on the other hand, proposed that a country rejecting a local inquiry should be liable to an automatic opium embargo.

Non-medical use of opium

128. The Commission was in general agreement that the non-medical use of opium should not be permitted by any substantive provision of the convention. If exceptions should be necessary, the countries concerned should make reservations which should be permitted only under such conditions as to ensure the speedy abolition of such use.

129. After this preliminary discussion of the draft convention the Commission appointed a Committee consisting of the representatives of France, the Netherlands and the United Kingdom, together with the President of the Permanent Central Opium Board in a consultative capacity. The Committee was charged with considering the draft convention in the light of the discussion in the Commission and with proposing desirable alterations. The Committee elected as Chairman Mr. A. Kruysse (Netherlands) and as Rapporteur Mr. S. Hoare (United Kingdom).

130. The Committee decided not to attempt to redraft the document but to submit to the Commission, for its consideration, the general lines upon which it suggested that the text might be altered. The Committee's proposals formed the basis upon which the principles of a protocol, referred to in the following sub-section, were drawn up.

(c) THE PRINCIPLES ADOPTED BY THE COMMISSION

131. After a thorough discussion of the suggestions made by the Committee in the course of which the Commission adopted several amendments of detail, the Commission decided not to draft a formal legal text of the proposed protocol, but to confine itself to elaborating principles on which such a protocol could

be based and which should be submitted to governments for their observations. It appointed to this end a Drafting Committee composed of the representatives of Canada, France, Iran, the United Kingdom, and Yugoslavia. The Commission added to this Committee the President of the Permanent Central Opium Board in a consultative capacity. The Drafting Committee elected as Chairman Mr. S. Hoare of the United Kingdom.

132. The Drafting Committee submitted to the Commission a draft which with essentially minor changes was adopted by the Commission by a vote of 8 for, 2 against, and 2 abstentions, and is reproduced in annex F under the heading "Principles of the Proposed Protocol Relating to the Limitation of the Production of Opium".

133. These "principles" which were considered by the Commission to be a step towards the ultimate aim of the limitation of production of opium to medical and scientific needs, may be summarized as follows:

(i) *The provisions of the protocol should apply to opium in all its forms.*

The Commission considered it unnecessary to provide for definitions of raw opium and of prepared opium, because it was not intended that the protocol should not apply different régimes to different forms of opium.

(ii) *Import and export as well as use of opium should be limited exclusively to medical and scientific needs.*

The Commission thought it necessary to include such a provision to bring the provisions of the existing Conventions which merely provide for a gradual suppression of the use of prepared opium, into line with the existing obligations, legal or at least moral, of members of the international society of States.

The Commission thought it necessary to provide for the possibility of a temporary continuation of the use of opium for "quasi-medical" purposes such as those for which it is used in India. To this end reservations to the protocol should be permitted provided that:

- (a) No country or territory should be permitted to use, export or import opium for this purpose which does not do so at present;
- (b) That the country making the reservation should undertake to abolish such use, export or import within a definite period to be stated in the reservation; and
- (c) That the reservation should cease to be effective if the country concerned consistently failed to furnish to the Permanent Central Opium Board certain information necessary for an evaluation of the progress made towards total abolition.

The Commission thought it desirable that the definition of the term "quasi-medical purposes" which it would be necessary to provide in the legal text of the proposed protocol should be such as to exclude opium smoking. It was guided, in this respect, by the hope that by 31 December 1953 the habit of opium smoking would be suppressed in Viet-Nam, Cambodia and Laos

in accordance with the relevant legislation enacted by the French High Commissioner in the year 1948.

(iii) *Only opium originating from opium-producing countries parties to the protocol which exported opium in 1950 should be the subject of licit trade in opium between parties.*

The Commission changed the basic year from 1949, as had been proposed by the Drafting Committee, to 1950. Several members of the Commission objected to this provision:

- (a) On the general ground that it was inconsistent with the principle of free trade;
- (b) Because the nature of the obligations assumed by producing countries under the proposed protocol afforded no ground for giving certain producing countries a privileged position; and
- (c) On the ground that it would enable the few opium-producing countries authorized to export opium, to arrive at agreements by which they might exploit their monopoly situation on the world market to the detriment of consumers. It was pointed out in this respect that the protocol does not provide for price regulation for the protection of consumers.

The majority of the Commission, however, thought it desirable from the point of view of limitation of production of opium that the number of sources of opium should be restricted and that consumers would be sufficiently protected by a provision which should prohibit the formation of cartels.

(iv) *Any kind of international cartels — as distinct from domestic cartels — whether of purchasers or sellers of opium should be prohibited. In case of violation of this provision a party should be able to obtain redress by complaint to an international organ.*

Some members expressed doubts as to the efficacy of such a provision. These doubts were, however, not shared by the majority of the Commission, which felt that a provision of this nature was a necessary complement to the preceding provision.

(v) *The protocol should provide for annual estimates of parties and non-parties of their opium requirements on the general lines on which such estimates are required by the 1931 Convention in respect of manufactured drugs.*

Each opium-producing country should also be required to furnish annual estimates of the amount of opium it intends to produce, of the approximate area which it proposes to cultivate for this purpose and of the amount of opium which it expects to export.

The Permanent Central Opium Board should be authorized to determine the dates by which the estimates should be furnished and to set for this purpose different dates for drug-manufacturing and opium-producing countries, as well as for individual opium-producing countries.

It was originally suggested that the estimates should be furnished by 1 August of each year, i.e., the date set by the 1931 Convention. The opinion was expressed

that estimates of opium production, which would not arrive far in advance of the time of sowing, would be of little use. The opinion was also expressed that estimates of opium requirements, which would not arrive far in advance of the estimates of opium production with which they are connected, would not offer the Supervisory Body any basis on which it might evaluate the latter estimates. Since representatives of some manufacturing countries stated that it would not be feasible to submit estimates at a much earlier date than 1 August, it was suggested that the estimates of opium requirements should be eliminated as an unnecessary burden upon parties to the protocol. The Supervisory Body would be able to evaluate the estimates of opium production on the basis of past statistics of opium consumption. The Commission as a whole did not share the view that estimates of opium requirements would be useless. It decided, however, to authorize the Board to set different dates for estimates of opium requirements and estimates of opium production. This would leave it open to the Board, if practicable, to set such an early date for estimates of opium requirements as to make such estimates a sufficient basis for the establishment of the corresponding estimates of opium production.

The opinion was also expressed that the estimates of opium production would be too inexact as to be of any practical value. The Commission as a whole, however, did not share this view.

(vi) *The limitation of production of opium should be achieved by the indirect method of limiting the stocks of opium each party would be entitled to maintain. Different maxima would be established for opium-producing countries, drug-manufacturing countries and countries which are neither drug-manufacturing countries nor opium-producing countries. The Permanent Central Opium Board should be given power to dispense a country for a designated period from compliance with the requirements of the protocol as to the maximum level of stocks.*

The Commission discussed at some length whether the maximum stocks of an opium-producing country should be based on its past production of opium or on its past exports of that commodity.

In view of the fact that the Permanent Central Opium Board does not at present possess satisfactory production statistics of opium, the Commission decided to adopt past exports of opium as a basis. While in the case of drug-manufacturing countries the maximum stocks would be based on one and one-half years' needs and in the case of opium-producing countries on two years' exports of opium (with the addition in the case of those opium-producing countries which also manufacture alkaloids, of two years' requirements for this purpose), the Commission thought it would be appropriate to permit any other country to have maximum stocks of opium equal to its opium imports in the preceding five years. The Commission was influenced in coming to this decision by the consideration that in the case of the last mentioned countries amounts of opium involved were comparatively small.

The opinion was expressed that a system of limiting the amount of stocks any country was permitted to

hold might result in an opium-producing country being placed in the position of having to submit self-incriminatory statistics. This could not be considered an incentive to the authorities concerned to collect all the opium crop, if such collection would bring their stocks above the permitted maximum. Opium not collected by the national monopoly concerned would be liable to flow into illicit channels.

It was also pointed out that the establishment of maximum opium stocks for other than opium-producing countries could not be justified on reasons of international control of drugs, but could only be intended to weaken the bargaining position of these countries *vis-à-vis* the opium-producing countries.

Representatives of opium-producing countries pointed out, however, that drug-manufacturing countries might otherwise pile up large opium stocks in order to depress opium prices while opium-producing countries would, under the system of free competition provided for by the protocol, be unable to adopt effective counter-measures.

The Commission, as a whole, did not share the view that the system of maximum stocks would stimulate the illicit traffic or would weaken the bargaining position of opium-importing countries. It was again stressed that the extent of the illicit traffic would under any system depend on the effectiveness and honesty of the national administration.

(vii) *The term stock should be defined to include the total amount of opium legally held in a country other than that in the possession of pharmacists, medical practitioners (doctors, dentists, veterinary surgeons, midwives, etc.), hospitals, scientists and scientific institutions.*

The Commission arrived at this definition after a thorough discussion. This amount would cover not only stocks in the warehouses of the national monopoly, but all other opium legally held elsewhere in the country at that date.

It took the view that by 1 May each year, the date when the return relating to stocks would be required to be sent to the Board, all producing countries should be able to state the amount of stocks legally held in the country on 31 December of the preceding year, the date to which the return would relate.

(viii) *The provisions relating to the statistical returns should be substantially the same as those prescribed in respect of opium by article 22 of the 1925 Convention.*

The Commission agreed, however, that these statistics

(i) Should include all kinds of opium and not be limited to "raw" and "medicinal" opium as defined in the 1925 Convention;

(ii) Should not exclude governments' stocks held for consumption for government purposes;

(iii) Should not exclude consumption for government purposes; and

(iv) Should in relation to the production of opium include the area cultivated with the opium poppy for that purpose.

(ix) *All countries permitting the production of opium should be required to establish "national opium monopolies" having the right to license cultivators who should alone be permitted to produce opium in designated areas and should be bound to deliver their total crops to their respective national monopolies. Each national monopoly should have the exclusive right of wholesale and foreign trade in opium.*

There was agreement in the Commission that in the final legal draft some more appropriate term than the name "national opium monopoly" should be found, provided that the substance of the idea conveyed by these words was retained.

The representative of Turkey reserved the position of the Government he represented in respect of the requirement of licensing individual cultivators. The Commission held, however, that such a requirement would be an essential feature of an effective national opium monopoly.

(x) *Parties should undertake to take the measures necessary not only for the application of the provisions of the proposed protocol but also for the suppression of the illicit traffic in opium in general.*

(xi) *Parties to the protocol should apply to opium the system of the 1925 Convention relating to the import and export of narcotic drugs (import and export authorizations, etc.).*

The 1925 Convention already provides for the application of this system to all kinds of opium. The Commission thought it to be desirable to repeat in the protocol the relevant provisions of the 1925 Convention to provide for the eventuality that countries which are not parties to the 1925 Convention might become parties to the protocol.

(xii) *Two alternative proposals relating to the disposal of opium seized in the illicit traffic should be included in the principles:*

- (a) *All opium seized in the illicit traffic should be destroyed, or*
- (b) *Parties should either destroy opium seized in the illicit traffic or convert it into non-narcotic substances or appropriate it for medical or scientific use, either by the government or under its control. A country which does not manufacture opium alkaloids should, under conditions to be stated, be given the right to exchange opium seized for drugs required for its own medical purposes.*

The opinion of members of the Commission was divided on this subject. A part of the Commission favoured unconditional destruction of seized opium while other members suggested that such opium might, under certain precautionary conditions, be used for medical purposes. Some representatives of producing countries thought that destruction of opium taken over by national monopolies without payment because it had not been surrendered by farmers in time was economically unjustifiable.

The Commission did not desire to settle these differences by a majority decision. It drafted, accordingly, two alternative proposals for submission to governments for their comments. The first sentence of the second alternative referred to above under (b) extends

to opium the provision of the 1931 Convention (article 18) applying to seized manufactured drugs. Under this provision, as interpreted by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs of the League of Nations, seized manufactured drugs must not be exported. The representative of Egypt at whose instance the Commission considered this question pointed out that an extension of the prohibition of export of seized drugs to opium would be discriminatory against countries which did not manufacture drugs. Drug-manufacturing countries might use seized opium for the manufacture of opium alkaloids while non-manufacturing countries would be compelled to destroy seized opium, except the comparatively small amounts which they might use as such for medical purposes. The Commission recognized the justice of these arguments and took them into consideration by proposing in the second alternative (b) above) to grant a non-manufacturing country the right to barter under certain conditions, and subject to authorization by the Permanent Central Opium Board, seized opium for manufactured drugs required for its domestic medical consumption.

Representatives of several producing countries proposed in respect of this second alternative that all opium seized which did not originate from one of the opium-producing countries which under the provision referred to in (iii) above would be authorized to export opium, should unconditionally be destroyed. The Commission thought, however, that it would be extremely difficult to establish with certainty the origin of seized opium and that it would, from an administrative viewpoint, be impossible to apply such a provision. It consequently rejected this proposal. It was pointed out in the course of the discussion, that the term "non-narcotic substances" used in article 18 of the 1931 Convention and in the second alternative patterned after this article means either drugs in group II as defined by article 1 of the 1931 Convention, i.e., codeine and dionine, or drugs which do not fall at all under international control, such as papaverine.

(xiii) *The protocol should provide that in the event of a country not complying with the provisions relating to statistics, estimates, or maximum stocks, or in the event of a country becoming or being likely to become a centre or important source of the illicit traffic in opium by reason of its failure to comply with any provision of the protocol, the Permanent Central Opium Board might:*

- (a) *Request explanations, and*
- (b) *If no explanations were furnished in time or the explanations furnished were not convincing:*
 - (1) *Undertake a local inquiry with the consent of the country concerned;*
 - (2) *Request the adoption of remedial measures, or tender, in general, advice on the administration of the protocol;*
 - (3) *State formally that a country had failed to comply with provisions of the protocol and, at its discretion, report accordingly to the Economic and Social Council and to other governments;*
 - (4) *Announces its intention of imposing an export and/or import embargo of opium; and*

(5) *Impose an export and/or import embargo of opium.*

In case of an embargo an appeal which should have suspensive effect, should be permitted. The Board should be permitted to apply the foregoing measures ("sanctions") to non-parties.

The opinion was expressed that the embargo system provided for in the protocol would either not be applied, or be ineffective, or, if applied effectively, often work to the detriment, not of the offending country, but of opium-importing countries faithful to their obligations under the protocol. If an export embargo should be imposed upon one of the three largest opium-producing countries, the other large producers would, if they had sufficient opium stocks to substitute for the producer under embargo, obtain the position of a *de facto* monopoly and would, consequently, be tempted to charge unreasonably high prices. If, however, the producing countries not subject to the export embargo, should be unable to substitute for the producer under embargo, a very dangerous shortage of opium would result. The Commission, as a whole, however, did not think that these fears were justified. In this respect it was mentioned that it might be expected that the Permanent Central Opium Board would continue to be composed of wise and experienced men and would therefore not use its powers to impose an export embargo if an international opium shortage would result. Various arguments were also repeated in this connexion which were accepted by the Commission as justifying its belief that free competition in international trade in opium would under the proposed protocol not substantially be affected (existence of stocks of manufacturers, possibility of substituting poppy straw or synthetic products). The Commission also thought that an embargo would rarely if ever be imposed and that the announcement, by the Board, of its intention of imposing an embargo would prove to be very effective. The suggestion that "sanctions" might be applied to non-parties reaffirms a principle already adopted by the 1925 and 1931 Conventions.

The Commission discussed the time within which a country should be bound to furnish the explanations requested by the Permanent Central Opium Board. Some members thought that the term "reasonable time" would be too vague and give the Board too much discretion if it were to decide what was "reasonable". They thought that a minimum time for furnishing explanations should under all circumstances be granted to the country concerned. The Commission decided, therefore, to propose two alternative texts for submission to governments for their observations, viz., explanations should be furnished "within a reasonable time" or within "two months or such longer period as the Board may in a particular case determine".

The Commission decided that it would be desirable that appeals against embargoes should be dealt with by a special tribunal of three independent persons. This arrangement would permit of appeals being heard and determined without any long delay after the decision of the Board to impose an embargo, notification of an appeal would have the effect of suspending the Board's decision pending the appeal. The Commission did not

decide whether the appeal body composed of three independent persons should be appointed by the Economic and Social Council or by the International Court of Justice. The Commission included, therefore, both these alternatives in the "principles".

(xiv) *Protocol when drafted in legal form should contain a colonial (territorial) clause and clauses relating to entry into force, denunciation and settlement of disputes on the lines of the corresponding provisions of the 1931 Convention.*

134. In conclusion, the Commission decided by 8 votes in favour, with 2 against and 2 abstentions, to recommend to the Council the adoption of the following resolution:

Principles of the proposed Protocol Relating to the Limitation of the Production of Opium

The Economic and Social Council,

Conscious of the importance of international efforts for the prevention of the development of drug addiction;

Considering that for this purpose effective measures should be taken to further the progress made under the 1925 and 1931 Conventions, in particular by seeking to limit the production of opium to medical and scientific needs;

Considering that present circumstances make the establishment of an international opium monopoly coupled with a monopoly of alkaloids difficult for the time being;

Considering that it is nevertheless desirable to take such measures to further the aim of limiting the production of opium to medical and scientific needs as are practicable at the present time;

1. *Adopts in general the principles of the protocol relating to limitation of the production of opium drafted by the Commission on Narcotic Drugs during its sixth session;*

2. *Requests the Secretary-General to submit these principles to the Members of the United Nations and to non-member States Parties to the international treaties on narcotics for the communication of their observations thereon before (date) with a view to the preparation for the next session of the Council of an annotated compendium of these observations; and*

3. *Decides to study during an early session, in the light of the observations made, the possibility of convening an international conference entrusted with the task of preparing and adopting a protocol relating to the limitation of the production of opium.*

21. Abolition of opium smoking in the Far East

135. During the Commission's examination of reports forwarded to the Secretary-General pursuant to Economic and Social Council resolution 159 II B (VII) — Abolition of opium smoking in the Far East (E/CN.7/219 and Addenda 1-3), regret was expressed at the paucity and in some cases the incompleteness of the material sent by some governments.

136. The Commission was informed of the decided progress that had been made by the French authorities towards the final abolition of opium smoking in the Associated States which had formerly constituted

French Indo-China. That progress was clearly demonstrated by the fact that the amount of opium smoked had dropped from 120 tons in 1904 to some 20 tons in 1950. The decree abolishing the system of registering smokers, to which the Commission's attention had been drawn during its fifth session, had been put into effect, and in the view of the representative of France the social danger to the population that opium smoking had once represented had by now disappeared.

VI. GENERAL QUESTIONS

22. Drug addiction

(a) DEFINITION OF ADDICTION-PRODUCING AND HABIT-FORMING DRUGS

139. The Commission was reminded by the representative of the World Health Organization of some criticism expressed during its fifth session of the definitions of addiction-producing and habit-forming drugs formulated by the World Health Organization's Expert Committee on Drugs Liable to Produce Addiction.

140. After analysing the distinction between true addiction and habit, the Expert Committee had reached the conclusion that the new definition of the term "addiction-producing" was more appropriate than any previous definition. It was true that any drug producing addiction would also be habit-forming but the contrary was not the case. That explained why the Expert Committee proposed two separate definitions. Addiction-producing drugs were detrimental both to the individual and to society, while habit-forming drugs harmed only the individual, and the difference between the two classes had become widely recognized.

141. The Expert Committee's report had been sent to pharmacologists throughout the world and no dissenting opinions had been expressed in the many communications concerning it which the World Health Organization had received.

(b) EDUCATION AND PROPAGANDA AGAINST THE USE OF NARCOTIC DRUGS

142. On the basis of a draft resolution submitted by the representative of France, the Commission discussed the advisability of education and propaganda against the use of narcotic drugs. After a general discussion, the representative of the Secretary-General gave the Commission an account of the work done by the League of Nations on the problem, with special reference to the resolution adopted by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs on 2 June 1936 in which it was stated "...that propaganda in schools and other direct propaganda should only be practiced in certain countries where addiction is a substantial problem. In other countries where addiction is, on the contrary, sporadic, such propaganda would be evidently dangerous..." (League of Nations document C.290.M.176.1936.XI). The Commission, after introducing some amendments into the draft with the object of bringing its terms into conformity with the point of view expressed by the Advisory Committee, decided by 10 votes in favour and 1 against to recommend to the Council the adoption of the following resolution:

137. The efforts of the authorities finally to stamp out the practice were, however, greatly hampered by the lack of communications, particularly in the northern parts of the territory, and by the existing situation in that part of the world which made it very difficult for the authorities to exercise the necessary control.

138. The Commission's consideration of the opium smoking situation in Thailand is referred to in section II (c) of the present report.

Education and propaganda against the use of narcotic drugs

The Economic and Social Council,

Being informed that the question of anti-narcotic education and propaganda has arisen in various countries,

1. *Considers* it advisable to restate the principle adopted by the Advisory Committee on Opium and Other Dangerous Drugs of the League of Nations, namely, that propaganda in schools and other forms of direct propaganda can be with advantage employed only in certain countries where drug addiction has assumed widespread proportions and that in other countries where addiction is, on the contrary, sporadic, such measures would be definitely dangerous, and

2. *Draws the attention* of governments to this principle.

143. The Commission further decided by 6 votes in favour, 3 against and 2 abstentions to recommend to the Council that, in the event of its proposed resolution on education and propaganda against the use of narcotic drugs being adopted, the Secretary-General should be asked to transmit the text thereof to the United Nations Educational, Scientific and Cultural Organization with a request for observations for transmission to the Commission at its seventh session.

23. International pharmacopoeia

144. The representative of the World Health Organization informed the Commission of the progress made on the international pharmacopoeia and that it would be published for the first time during the present year. The Commission learned that cocaine, codeine, hydrocodone (and not "dicodid"), hydromorphone (and not "dilaudid"), pethidine, their salts and prescriptions containing them would be covered in volumes I and II.

145. The Commission fully recognized the considerable assistance which the single, internationally accepted names for addiction-producing substances provided by the international pharmacopoeia would bring to its work and to the international control of narcotics as a whole, after so many years of difficulty caused by the existing diverse nomenclature for many of these substances. It was therefore particularly appreciative of the work of the World Health Organization in this difficult field.

ANNEXES

A. Recommendations of the Commission to the Economic and Social Council

(The references are to the paragraphs of the report from which the recommendations have been abstracted)

The Commission decided:

1. To propose to the Council that its seventh session should be convened for the second week of April 1952 and should last about three weeks. (Paragraph 32)

2. To recommend to the Council the adoption of the following resolution:

PRINCIPLES OF THE PROPOSED PROTOCOL RELATING TO THE LIMITATION OF THE PRODUCTION OF OPIUM

The Economic and Social Council,

Conscious of the importance of international efforts for the prevention of the development of drug addiction;

Considering that for this purpose effective measures should be taken to further the progress made under the 1925 and 1931 Conventions, in particular by seeking to limit the production of opium to medical and scientific needs;

Considering that present circumstances make the establishment of an international opium monopoly coupled with a monopoly of alkaloids difficult for the time being;

Considering that it is nevertheless desirable to take such measures to further the aim of limiting the production of opium to medical and scientific needs as are practicable at the present time;

(1) *Adopts* in general the principles of the protocol relating to limitation of the production of opium drafted by the Commission on Narcotic Drugs during its sixth session;

(2) *Requests* the Secretary-General to submit these principles to the Members of the United Nations and to non-member States Parties to the international

treaties on narcotics for the communication of their observations thereon before... (date)... with a view to the preparation for the next session of the Council of an annotated compendium of these observations; and

3. *Decides* to study during an early session, in the light of the observations made, the possibility of convening an international conference entrusted with the task of preparing and adopting a protocol relating to the limitation of the production of opium. (Paragraph 134.)

(3) *Decides* to study during an early session, in the following resolution:

EDUCATION AND PROPAGANDA AGAINST THE USE OF NARCOTIC DRUGS

The Economic and Social Council,

Being informed that the question of anti-narcotic education and propaganda has arisen in various countries,

(1) *Considers* it advisable to restate the principle adopted by the Advisory Committee on Opium and Other Dangerous Drugs of the League of Nations, namely, that propaganda in schools and other forms of direct propaganda can be with advantage employed only in certain countries where drug addiction has assumed widespread proportions and that in other countries where addiction is, on the contrary, sporadic, such measures would be definitely dangerous, and

(2) *Draws the attention* of governments to this principle. (Paragraph 142.)

4. To recommend to the Council that, in the event of its proposed resolution on education and propaganda against the use of narcotic drugs being adopted, the Secretary-General should be asked to transmit the text thereof to the United Nations Educational, Scientific and Cultural Organization with a request for observations for transmission to the Commission at its seventh session. (Paragraph 143.)

B. Other resolutions and decisions of the Commission

(The references are to the paragraphs of the report from which the recommendations and decisions have been abstracted)

Resolutions

The Commission adopted the following resolutions:

1. BURMESE PROPOSAL FOR THE ESTABLISHMENT OF A UNITED NATIONS COMMITTEE TO CO-ORDINATE THE EFFORTS OF CERTAIN FAR EASTERN GOVERNMENTS TO SUPPRESS POPPY CULTIVATION AND THE SMUGGLING OF OPIUM

The Commission on Narcotic Drugs,

Having considered a proposal by the Government of Burma (document E/CN.7/222, paragraph 2.5) that a

United Nations Committee be established to supervise and co-ordinate the efforts of the Governments of Burma and certain neighbouring countries to find ways and means to suppress poppy cultivation and the smuggling of opium;

Having heard during its 132nd meeting (summary record E/CN.7/SR.132) from a representative of the Government of Burma a more detailed outline of that Government's ideas as to how such a United Nations Committee should function;

Recognising also that views were expressed that an expert adviser might fulfil some of the purposes for which the United Nations Committee was proposed;

Requests the Secretary-General to communicate the Burmese proposal, together with the summary records

of the meetings of the Commission at which it was discussed, to the Governments of Burma and the neighbouring States, and to inform those Governments that the Commission desires their views on the proposal with the intention of studying it in greater detail at a subsequent session. (Paragraph 57.)

2. APPLICATION OF ARTICLE 2 OF THE PROTOCOL OF 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 ON 11 DECEMBER 1946

The Commission on Narcotic Drugs,

Having considered a part of a notification dated 29 January 1951 by the Director-General of the World Health Organization in connexion with a notification dated 17 October 1950 made by the representative of the United States of America on the Commission pursuant to article 1, paragraph 3 of the Protocol of 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 on 11 December 1946, to the effect that the Expert Committee on Drugs Liable to Produce Addiction of the World Health Organization would at its next session consider the liability to produce addiction of the drugs

1-methyl-3-ethyl-4-phenyl-4-propionoxy piperidine (otherwise known by the symbol NU-1932) and

3-hydroxy-N-methyl morphinan (otherwise known by the symbol NU-2206);

Having examined the above-mentioned notification by the Representative of the United States of America, in which it is stated that in view of their addiction liability both of the drugs referred to above have been subjected to the Federal narcotics laws of the United States of America;

Decides, in accordance with the provisions of article 2 of the said Protocol, that pending a final decision by the World Health Organization on the liability to produce addiction of

1-methyl-3-ethyl-4-phenyl-4-propionoxy piperidine (otherwise known by the symbol NU-1932) and

3-hydroxy-N-methyl morphinan (otherwise known by the symbol NU-2206),

the measures applicable to drugs specified in article 1, paragraph 2, group I of the 1931 Convention shall provisionally apply to the above-mentioned drugs. (Paragraphs 64, 65.)

Decisions

The Commission decided:

1. To adopt the agenda proposed by its Agenda Committee. (Paragraph 23.)

2. To request the Secretary-General to include in future Progress Reports by the Division on Narcotic Drugs references to the sessions held by the Permanent Central Opium Board and the Supervisory Body during the periods covered by such reports. (Paragraph 27.)

3. To take note of the Progress Report of the Commission on Narcotic Drugs on its work during the period 1 October 1950 to 28 February 1951. (Paragraph 30.)

4. To request the Secretary-General to arrange for the Division of Narcotic Drugs to work on the following matters during the coming year in the order of priority indicated:

(1) Performance of functions directly related to the implementation of the international treaties on narcotic drugs;

(2) Proposed single convention on narcotic drugs;

(3) Work consequent upon the report of the United Nations Commission on Enquiry on the Coca Leaf; and

(4) The assay, characteristics, composition and origin of opium. (Paragraph 31.)

5. To request the Secretary-General to include in the provisional agenda for its seventh session the question of synthetic narcotic drugs. (Paragraph 33.)

6. To postpone its consideration of the Summary of Annual Reports of Governments for 1949 until its seventh session. (Paragraph 34.)

7. To postpone its consideration of the Annual Summary of Laws and Regulations Relating to the Control of Narcotic Drugs-1949 until its seventh session. (Paragraph 35.)

8. To request the Secretary-General to thank the International Criminal Police Commission for its report and to bring to its attention the summary record of the one hundred and thirty-second meeting at which the report was discussed. (Paragraph 39.)

9. To ask the Secretary-General to draw the attention of the Government of Thailand to the fact that, although it had reported a large number of narcotics seizures during 1950, the number of arrests of traffickers had been very small and the sentences imposed on offenders had not usually exceeded three months, and in this connexion to request the Government to include in future in its seizure reports results of judicial proceedings. (Paragraph 43.)

10. To delete sub-paragraph (d) from paragraph (2) of section 52 of document E/CN.7/224. (Paragraph 45.)

11. To include as annex D to this report a summary of a statement by the representative of the United States of America on the illicit traffic in diacetylmorphine. (Paragraph 46.)

12. To ask the Secretary-General:

(1) To bring to the attention of the Government of Italy the summary records of those of its meetings at which the question of the illicit traffic in diacetylmorphine was discussed;

(2) To inform that Government that the Commission, while appreciative of the energetic action which the Italian authorities have already taken with a view to stopping further diversion of diacetylmorphine from legitimate sources in its territory into the illicit traffic, invites the Government of Italy to study the possibility of:

- (a) Taking measures to ensure that existing stocks of diacetylmorphine are safeguarded against such diversion, and
- (b) Taking steps to prosecute without delay all persons implicated in the large diversion of this drug which has taken place during the past five years; and

(3) To request the Government of Italy to send to the Secretary-General, for communication to the Commission, a report on the action which it has been found possible to take in regard to the matters brought to its attention in the Secretary-General's communication. (Paragraph 51)

13. In addition the Commission decided to request the Secretary-General to send a communication to the Government of Greece, congratulating it on behalf of the Commission on the efforts it has already made to

suppress the illicit traffic in diacetylmorphine, and asking for increased vigilance.

14. To request the Secretary-General:

(1) To arrange with the joint Secretary of the Permanent Central Opium Board and Supervisory Body to send the observations of these two organs on the draft single convention direct to the governments represented on the Commission at the earliest possible date (sending at the same time copies to the Secretary-General), so as to give these governments the benefit of those observations when preparing their own for transmission to the Secretary-General by 1 November 1951; and

(2) To prepare an annotated compilation of all observations received by 1 November 1951 for consideration by the Commission at its seventh session. (Paragraph 73.)

15. To request the Secretary-General to make public the summary records of the nine informal meetings of the members of the Commission held between 11 April and 17 April 1951. (Paragraph 85.)

16. Not to resume discussion of the international opium monopoly during its sixth session. (Paragraph 107.)

C. Tables showing the quantities of narcotics and the origin of raw opium seized from the illicit traffic in 1950

I. QUANTITIES OF NARCOTICS SEIZED DURING 1950 (In kilogrammes)

(Compiled from information received by the Secretary-General up to 31 May 1951)

Country or territory	Raw opium	Prepared opium and dross	Morphine	Heroin	Cocaine	Indian hemp	Miscellaneous
1. Australia	8.845	8 278	.055	-	-	.680	-
2. Austria	6.578	-	1.001	.001	.001	.930	.010
3. Belgium	-	-	.055	-	.047	.213	.003
4. Burma	5,025 800	-	-	-	-	176.422	-
5. Canada	1.000	.329	.086	1.572	.014	.645	4 287
6. Ceylon	2.257	-	-	-	-	117.091	-
7. Colombia ^a	.004	-	-	.002	-	.652	609 243
8. Egypt	3,680 618	-	.070	.637	.347	17,734.919	12 357
9. France	44 080	5.235	1 500	1.200	1.162	66.736	-
10. Germany (British zone)	3 213	-	1 134	-	.136	-	576
11. Germany (United States zone)	9 200	-	12 709	.001	.640	-	9 610
12. India	1,035.000	-	-	-	-	-	-
13. Indonesia	24.870	5.250	-	.001	-	-	-
14. Iraq	34.974	6.645	-	-	-	3.928	-
15. Italy ^a	-	-	-	-	5 145	-	.254
16. Japan	229 183	7.428	3.751	10.050	3 181	-	3 220
17. Mexico	9.594	-	1.029	.140	-	702.731	-
18. Netherlands	9 276	.125	.004	-	.029	-	.350
19. Pakistan ^a	6 872	-	-	-	-	-	-
20. Philippines	-	2.101	.120	-	-	-	-
21. Thailand ^a	13,570 450	685.230	-	-	-	-	-
22. Turkey	606 143	-	16.000	20.337	-	26.901	-
23. United Kingdom	25 559	1.728	-	-	-	41.279	-
24. United States ^a	15 213	18.426	.040	2.150	.400	14.016	.408
25. Aden ^a	.907	-	-	-	-	1.871	-
26. Fed. of Malaya ^a	206.024	45.080	-	-	-	14.341	-
27. Gibraltar	6 350	-	-	-	-	-	-
28. Hong Kong	2,257 000	12.591	6.861	4.579	-	-	-
29. North Borneo ^a	.092	-	-	-	-	-	-
30. Sarawak ^a	3 447	.454	-	-	-	-	-
31. Singapore ^a	2,342 903	-	-	-	-	-	-
32. Zanzibar	.002	-	-	-	-	4.741	-
TOTALS	29,165 454	798.900	44 415	40.670	11.102	18,908 096	640 318

^a Information available only from seizure reports.

II. ORIGIN OF RAW OPIUM SEIZED DURING 1950

(Amounts in kilogrammes based on information received by the Secretary-General up to 7 April 1951)

Country or territory	Country of origin		Suspected as country of origin	Licit origin	Origin unknown	No information	Quantity seized
1. Australia ^a	-	-	India, 1.432	-	3,279	-	4.711
2. Austria	-	-	Lebanon, .850	Germany, 1.373	4.330	.025	6.578
3. Burma ^a	China, 159.650	Burma, 46.416	Burma, 1.142	-	79.487	1.510	289.138
	India, .933	-	-	-	-	-	-
4. Canada	-	-	-	-	1.000	-	1.000
5. Ceylon	India, 2.257	-	-	-	-	-	2.257
6. Colombia ^a	-	-	-	.004	-	-	.004
7. Egypt	-	-	Turkey, 350.391	-	-	3,330.227	3,680.618
8. France ^a	-	-	-	-	5.700	14.900	20.600
9. Germany (British zone)	-	-	-	U.K., .030	1.180	.070	1.280
10. Germany (United States zone)	-	-	-	-	-	9.200	9.200
11. India ^a	-	-	-	-	2.279	181.376	183.655
12. Indonesia	Indo-China .975	Burma, 4.000	-	-	7.000	12.485	24.870
	Thailand, 410	-	-	-	-	-	-
13. Iraq	-	Iran, 34.974	-	-	-	-	34.974
14. Japan	Iran, .242	-	-	-	-	-	-
	Japan, .003	Iran, .444	Japan, 221.936	3.938	2.620	-	229.183
15. Netherlands ^a	-	Iran, 4.161	-	-	3.100	-	7.261
16. Pakistan ^a	Nepal, 2.450	-	-	-	-	-	-
	India, 2.319	-	-	-	-	-	6.872
	Iran, 2.103	-	-	-	-	-	-
17. Thailand ^a	-	-	-	-	13,570.450	-	13,570.450
18. Turkey ^a	Turkey, 582.870	-	-	-	-	12.930	595.800
19. United Kingdom	Iran, .723	Turkey, 1,814	-	-	23.022	-	25.559
20. United States ^a	India, 4.072	India, 1,344	-	-	-	2.804	15.213
	Turkey, 3.881	Iran, 1,004	-	-	-	-	-
	Iran, 1.912	Turkey, .196	-	-	-	-	-
21. Aden ^a	Yemen, .907	-	-	-	-	-	.907
22. Federation of Malaya ^a	-	-	-	-	-	206.024	206.024
23. Gibraltar	-	-	-	-	6.350	-	6.350
24. Hong Kong	China, 49.518	China, .921	-	-	63.295	2,132.753	2,246.487
25. North Borneo ^a	-	India, .092	-	-	-	-	.092
26. Sarawak ^a	-	-	-	-	-	3.447	3.447
27. Singapore ^a	China, 348.812	China, 1,015.446	-	-	664.512	-	2,342.903
	Burma, 126.325	Iran, 115.212	-	-	-	-	-
	Iran, 72.575	-	-	-	-	-	-
28. Zanzibar	-	-	-	-	-	.002	.002
TOTALS	1,409.354 (known)	1,533.443 (suspected)	223.343	14,438.922	5,910.313	23,515.435	

^a Information available only from seizure reports.

D. Summary of a statement by the representative of the United States of America on the illicit traffic in diacetylmorphine

1. The illicit traffic in diacetylmorphine is a very serious problem in the United States. The drug is smuggled into the country mainly from Italy, Turkey, Greece and China, and developments in those countries therefore affected the consumption of diacetylmorphine in the United States.

2. Following the arrests in Trieste which had been reported to the Commission at its fifth session, the Italian authorities had taken energetic steps to attempt to halt the traffic. They had reduced the annual estimates of diacetylmorphine requirements from 190 kilogrammes to 50 kilogrammes as a result of the disclosures of large-scale diversions of the drug from factories and wholesale drug houses; subsequently, as a result of further arrests and seizures, the estimates had again been reduced to 30 kilogrammes a year. However, there apparently existed nearly enough stocks in Italy to meet legitimate needs for a period of ten years. These stocks constituted a great danger for many countries, particularly the United States.

3. The representative wished to congratulate the Italian police authorities for their recent arrest of a United States citizen who had been found, upon his arrival in Rome, in possession of 3 kilogrammes of diacetylmorphine diverted from Italian stocks. He also wished to thank the Italian Department of Health for its co-operation in causing the manufacture of diacetylmorphine to be reduced. At the same time he appealed to the Department to prohibit the manufacture of diacetylmorphine in Italy in order to protect the youth of the United States and of other countries which was suffering as a result of the illicit traffic in the substance.

4. The greatest quantities of diacetylmorphine seized during the last three months of 1950 and the first three months of 1951 had been in Turkey. As the representative of Turkey had told the Commission during its fifth session, the importation into Turkey of acetic anhydride which is used in the manufacture of diacetylmorphine had been placed under government

licence. This seemed to be having some effect on the smuggling of the drug out of Turkey although there still appeared to be considerable quantities of raw opium and crude morphine available to smugglers in Istanbul. The representative expressed the hope that the Government of Turkey would place more severe restrictions on the internal distribution of opium. The police authorities in the country deserved congratulation on the excellent results they had achieved, but they were obviously handicapped in their efforts by the substantial scale upon which opium was diverted by farmers.

5. It was also interesting to note that diacetylmorphine addiction among adolescents was not confined to the United States and Canada; Turkey was one of the first of other countries to admit the existence of the problem within its territory and to take steps to eliminate it. The Sanitary Administration of the Asylum of Bakirkoy had compiled data showing that of 1,534 addicts treated during a period of several years, 7 per cent had been between the ages of 15 and 20, a percentage approximately the same as in the United States. Other countries which admitted to little or no addiction should study the question more carefully, as the evidence which had reached the United States showed that no country was immune to the problem of adolescent addiction.

6. Greece was also rapidly becoming a major source of illicit diacetylmorphine. Recent investigations in that country had resulted in seizures of large quantities

of this drug and the arrest of a number of extremely important international traffickers of long standing. Most of the opium used in the manufacture of this diacetylmorphine came from Turkey via the Greek islands in the Aegean, but some was also produced from opium grown in Greece.

7. As far as China was concerned, the flow of diacetylmorphine from Tientsin and points in Manchuria via Hong Kong into Japan was reported. It appeared that the heroin factories in Tientsin, North China, and Manchuria had resumed operations, and there was evidence that some of the diacetylmorphine they produced was finding its way into the United States and other countries by way of Japan. On 15 February, Japanese narcotic agents had seized some 10 kilogrammes of the drug in Kobe, and four of the nineteen packages seized had borne labels from a laboratory in Tientsin. According to the Japanese authorities large seizures of diacetylmorphine made previously in Japan had probably originated from that laboratory. The representative considered that steps should be taken by the authorities on the Chinese mainland to suppress the diacetylmorphine traffic. The energetic action of the Governments of Italy, Turkey and Greece had already produced a decrease in that traffic in the United States, and that trend would probably continue if the Governments concerned continued to tighten their control measures and if the authorities in China would take steps to close the diacetylmorphine factories.

E. Draft protocol to adapt the provisions of the 1931 Convention to opium: proposal by the representative of France

Definitions

The following are the meanings of terms used in the present protocol:

(a) *Opium*: the coagulated juice obtained by cutting capsules of several varieties of *Papaver Somniferum* L. (*Papaveracus*) and of any preparation obtained from this juice and not intended for medical use;

(b) *Galenic medicines prepared from opium*: any preparation obtained from opium and intended for medical use;

(c) *Medicinal opium*: opium prepared for adaptation to medical use, whether powdered or granulated, and whether mixed or not with neutral constituents according to the requirements of the pharmacopoeia; and

(d) *Alkaloids*: the chemical elements extracted or derived from opium as defined in article 1 of the Convention of 1931.

Chapter I

ESTIMATES

The contracting parties undertake to provide for the Permanent Central Opium Board (for examination by

the Supervisory Body in accordance with the 1931 Convention¹ estimates of the following:

1. *Galenic medicaments prepared from opium*

(a) The quantity necessary for use as such for medical and scientific needs, including the quantity required for the medicaments for the export of which export authorizations are not required, whether such preparations are intended for domestic consumption or for export;

(b) The quantity which it is desired to maintain in stock.

The above quantities will be expressed in terms of medicinal opium.

2. *Opium*

(a) The quantity necessary for the purpose of conversion into galenic medicaments.

This estimate must correspond to the sum of:

(i) The quantity defined under 1 (a); and

(ii) The quantity required to bring reserve stocks to the level fixed under 1 (b);

¹ From here on the protocol is drafted as if the Permanent Central Opium Board and the Supervisory Body had already been amalgamated.

(b) The quantities necessary for the manufacture of alkaloids and their derivatives within the limits laid down in accordance with the 1931 Convention;

(c) The quantity of opium it is desired to maintain in stock.

3. *Total estimates*

Total estimates of opium for each State means the sum of the quantities provided for under 2 (a) and 2 (b) and the quantity needed to raise the stocks provided for under 2 (c) to the fixed level.

Chapter II

LIMITATION OF PRODUCTION

1. The opium-producing countries shall inform the Permanent Central Opium Board each year, at a date to be decided by the Board, on what area they intend to cultivate the opium poppy, reckoning the quantity of opium to be harvested on the basis of the average yield of the last five years.

2. Account shall be taken of:

(a) The average yield of opium in each State during the last five years;

(b) The average world consumption of opium for medical and scientific purposes during the last five years;

(c) The reserve stocks of opium which the contracting parties intend to maintain; and

(d) The average exports of opium by the producing countries during the last five years.

The Permanent Central Opium Board shall decide whether estimates of production exceed world needs of opium for medical and scientific purposes or not, and how much each producing country is over-producing or under-producing.²

As a result of this decision the Permanent Central Opium Board shall recommend that producing countries should increase or reduce their sowing as the case may be.

If for two years in a period of five years, a State has not followed the recommendations of the Permanent Central Opium Board, the Board will take one or more of the steps provided for under V.2.

Chapter III

LIMITATION OF THE PRODUCTION AND IMPORT OF OPIUM

1. No State shall produce in one year quantities of opium exceeding the sum of:

(a) The total estimates as defined in I.3; and

(b) Such quantity as may be required during the year for the execution of orders for export in accordance with the provisions of existing conventions. This sum may be reduced by the quantity imported during

² The Commission on Narcotic Drugs shall decide whether more precise instructions should be given to the Permanent Central Opium Board in the present protocol.

the year and by the quantity seized and used for the needs provided for in I.2.

If the yield of opium exceeds the estimates provided for in II, and if these estimates have not led to a recommendation by the Permanent Central Opium Board for a reduction of the sown area, the quantity exceeding the quantities provided for in III.1. (A). shall be added to the stocks held by the national monopoly and none of the steps provided for in V.2. shall be taken.

Account shall, however, be taken of this excess in the estimates for sowing in the year or two years after the excess occurred.

2. During one year no State shall import quantities of opium higher than the sum of:

(a) The total estimates as defined in I.3; and

(b) Such quantity as may be required for the execution during the year of orders for export in accordance with the provisions in force.

This sum may be reduced by the quantity seized and used for the needs described in I.2.

Chapter IV

NATIONAL CONTROL

1. The contracting parties on whose territory opium is produced shall, if that has not already been done, establish a state monopoly of the production of, and domestic and foreign trade in, opium.

2. They shall take all the legislative and administrative steps required to ensure effective control of cultivation of the opium poppy with a view to limiting the production of opium to the quantities set out in III.

3. They shall report to the Secretary-General of the United Nations on the control provided for in the preceding paragraphs, and, in case of need, on any important change in it.

The annual report drawn up in accordance with article 21 of the 1931 Convention shall include a special chapter on the application of the present protocol.

Chapter V

INTERNATIONAL CONTROL

(1) *Statistics*

1. The contracting parties undertake to provide the Permanent Central Opium Board with the following statistics:

(a) Opium production;

(b) Use of opium for the manufacture of galenical medicaments;

(c) Use of opium for the extraction of alkaloids;

(d) Quantities of opium seized and confiscated and disposal of these quantities;

(e) Stocks of opium and of galenical medicaments prepared from opium at 31 December; and

(f) Imports and exports of opium and of galenical medicaments prepared from opium.

2. The statistics provided for under sub-paragraphs (a), (b), (c) (d) and (e) shall be prepared annually and sent to the Permanent Central Opium Board as early as possible, and at the latest 75 days after the end of the quarter.³

3. The above statistics shall be prepared on the models annexed to the present protocol and on forms provided by the Permanent Central Opium Board.

(2) Control by the Permanent Central Opium Board

1. If the Permanent Central Opium Board finds that a State has produced or imported quantities of opium in excess of the total described in III.1. or III.2. it may take one or several of the following steps:

- (a) Ask the State concerned for an explanation;
- (b) If an explanation is not provided within a reasonable time, or if the explanation is not found satisfactory, the Permanent Central Opium Board may:
 - (i) Deduct from the estimates for the year or the years following that in which the quantities were exceeded a quantity corresponding to that excess;
 - (ii) Place an embargo on exports or imports of opium going to or coming from the accused country, or on both at once, for a limited period or not; and
 - (iii) Institute an enquiry in the accused country under the conditions described in 3 below.

2. If an embargo should be decided upon:

(a) The Permanent Central Opium Board shall notify all the contracting parties of it and attach a short explanation to the notification.

The embargo shall be carried out by the contracting parties as soon as they are notified of it.

(b) The Permanent Central Opium Board shall draw up a detailed report on each decision to impose an embargo and the report shall be submitted to the Economic and Social Council (Commission on Narcotic Drugs).⁴

After a report has been adopted by the Economic and Social Council (the Commission), it shall be transmitted to all contracting parties along with the explanations given to the Economic and Social Council (the Commission) by the accused country.

(c) A country subject to an embargo shall be entitled itself to appeal against it to the Economic and Social Council (the Commission).

³ As the crop is harvested before the end of the year, it will no doubt be necessary to fix another date for statistics of opium production.

⁴ The Commission on Narcotic Drugs shall decide whether a country is to be represented at meetings of the Board when a matter directly concerning it is discussed.

In such a case the Economic and Social Council (the Commission) shall be entitled to ask the Permanent Central Opium Board to suspend the embargo until it has taken a decision on the matter.

(d) The Chairman of the Permanent Central Opium Board or a representative he nominates may attend the meeting of the Economic and Social Council (the Commission) at which the embargo is considered, in an advisory capacity.

(e) The Economic and Social Council (the Commission) shall approve or cancel the embargo imposed by the Permanent Central Opium Board.

(f) An embargo approved by the Economic and Social Council (the Commission) may be raised by the Permanent Central Opium Board if the country subject to the embargo has given explanations or taken decisions which the Permanent Central Opium Board considers satisfactory.

(3) Enquiries⁵

(a) If the Permanent Central Opium Board finds it necessary to make an enquiry in the accused country, the enquiry shall be carried out by one or more members of the Board or by one or more experts nominated by the Board. If the Permanent Central Opium Board decides to entrust the enquiry to experts not members of the Board their appointment must be agreed to by the country which is the subject of the enquiry.

(b) The enquiry must be made with the collaboration of officials nominated by the government of the country which is the subject of the enquiry.

(c) The enquiry must relate only to the conditions of application of the provisions of the present protocol.

Chapter VI

1. The Contracting Parties on whose territory the substances considered in the present protocol are used for other than medical and scientific ends undertake, on the date of this convention entering into force, to prohibit such use in the shortest time they consider possible.

2. The Contracting Parties on whose territory opium is used for other than medical and scientific ends shall provide the Permanent Central Opium Board in separate form with estimates and statistics of these uses, as provided in the present protocol.

Chapter VII

GENERAL PROVISIONS

...

⁵ It is for the Commission on Narcotic Drugs to decide whether an enquiry should precede an embargo or not.

F. Proposed protocol relating to the limitation of the production of opium

INTRODUCTORY NOTE

1. In the following draft principles existing treaties are referred to as follows:

The 1925 Convention denotes the International Opium Convention, signed at Geneva on 19 February 1925

The 1931 Convention denotes the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931

The 1948 Protocol denotes the protocol 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, signed at Paris on 19 November 1948.

2. Square brackets ([]) are used to indicate alternative texts.

3. The ultimate aim is the limitation of production of opium to medical and scientific needs. The proposed protocol represents a step in this direction. It is based on the conception of the maintenance so far as possible of free competition in the opium trade, and it is therefore proposed to apply to opium the principles of the 1931 Convention under which free trade in narcotic drugs is permitted. Certain departures, however, both from the principle of freedom of trade and from the provisions of the 1931 Convention have been adopted by the Commission.

4. In particular, since it is thought to be desirable from the point of view of limitation of production of opium that the number of sources of opium should be restricted, it is proposed to provide that no country which did not export opium in 1950 should be permitted to export opium in future. A provision, complementary to this provision, is included prohibiting the formation of cartels either by purchasers or by sellers of opium.

5. It is proposed to limit the production of opium by the indirect method of limiting to a maximum the stocks of opium which may be held in any country.

6. While the provisions relating to action which may be taken by the Permanent Central Opium Board are modelled upon those of the 1925 and 1931 Conventions, provision is proposed whereby a country upon which an export or import "embargo" in respect of trade in opium is imposed by the Board may appeal, with effect of suspending the Board's decision, to a specially constituted tribunal.

PRINCIPLES OF THE PROPOSED PROTOCOL RELATING TO THE LIMITATION OF THE PRODUCTION OF OPIUM

I. SUBSTANCE TO WHICH THE PROTOCOL APPLIES

The protocol shall apply to opium (the coagulated juice obtained by cutting capsules of several varieties of *Papaver Somniferum* L. (*Papaveracus*)) in all its forms.

II. GENERAL PRINCIPLES

1. The Parties shall undertake to limit the use of opium exclusively to medical and scientific needs.¹

2. They shall also undertake to limit export and import of opium exclusively to such needs.

3. Only opium originating from producing countries Parties to the protocol which exported opium in 1950 shall be the subject of licit trade in opium between Parties.

¹ See, however, below, under "Reservations".

4. Cartels either of purchasers or sellers of opium shall not be permitted. A cartel shall for the purpose of this provision be defined in some such terms as the following: a tacit or express agreement or other combination of countries, corporations or persons having the same type of interest in the opium trade, for securing the same economic ends by holding the individual interests of one or several subservient to the common interests of all. Agreements or combinations of corporations or persons of the same country shall not fall under this provision. Any Party may make complaint to [the International Court of Justice] [the appeal body referred to in section VII.2 (e) below] [some other appropriate body], and provision shall be made for redress to be afforded in case of violation of this provision.

III. ANNUAL ESTIMATES

1. *Estimates required from all Parties*

All Parties shall be required to supply the following estimates (additional to those required under the 1931 Convention and the 1948 Protocol):

(a) The quantity of opium necessary for use as such for medical and scientific needs;

(b) The quantity of opium necessary for the manufacture of opium derivatives;

(c) The amount of stocks of opium which a country desires to maintain and the amount it wishes to add or deduct in order to bring those stocks to the desired level.

2. *Estimates required from Parties which produce opium*

(a) The amount which each country intends to produce;

(b) A statement as exact as possible of the area it proposes to cultivate for this purpose;

(c) The amount of opium which each country expects to export.

3. *Other provisions relating to estimates*

(a) The form in which the estimates shall be made shall be prescribed by the Permanent Central Opium Board;

(b) Every estimate shall be accompanied by a statement explaining the method by which it has been calculated;

(c) Estimates of the amount of opium a country intends to produce may include a margin allowing for possible fluctuations in the yield;

(d) The estimate shall reach the Board each year by a date determined by that Body; this date may be different for manufacturing and for producing countries, and may also be different for individual producing countries;

(e) Supplementary estimates either decreasing or increasing the original estimates may be furnished;

(f) The Permanent Central Opium Board shall be authorized to request estimates for countries or territories to which the Protocol does not apply to be made in accordance with the provisions of the Protocol;

(g) The Supervisory Body shall have the right to examine the estimates, require further information or details in order to make any estimate complete, or to explain any statement made therein, and may with the consent of the Government concerned amend estimates;

(h) The Supervisory Body may establish estimates for a country or territory which has not submitted estimates.

IV. LIMITATION OF PRODUCTION

The limitation of production is to be achieved by the indirect method of limiting the stocks of opium each Party is entitled to maintain.

1. *Maximum stocks*

(a) In producing countries:

The maximum stocks in a producing country on 31 December of each year shall not exceed the total amount of its exports of opium for medical and scientific needs in any two years since 1946, plus the total amount of opium used for the manufacture of alkaloids in any two such years, the country concerned having the right to designate the years in question; the years chosen for each of these two amounts may be different.

(b) In manufacturing countries:

The maximum stocks in countries manufacturing opium alkaloids shall not exceed one and one-half year's normal requirements, such requirements to be determined by the Board.

(c) In other countries:

The maximum stocks in countries which neither produce opium nor manufacture opium alkaloids shall not exceed the total amount of opium imported during the preceding five years.

2. *Exceptions*

The Board may, if it considers the circumstances exceptional, dispense a country for a designated period of time from compliance with the above requirements as to the maximum level of stocks. In the exercise of this discretion, the Board shall, if a high level of stocks exists in a producing country at the time of entry into force of the protocol, have regard to this fact with a view to avoiding economic difficulties in such a country which would result from too rapid a reduction of stocks to the maximum level.

3. *Definitions of stocks*

For the purpose of the protocol, stocks shall be defined as the total amount of opium legally held in the country in question other than that in the possession of pharmacists, medical practitioners (doctors, dentists, veterinary surgeons, midwives, etc.), hospitals, scientists, and scientific institutions.

V. STATISTICS

1. Parties shall supply the Permanent Central Opium Board annually with statistics of:

(a) Production of opium, including the area cultivated with the opium poppy for the production of opium;

This information shall also be supplied for the five years preceding the entry into force of the protocol;

(b) Consumption of opium as such;

(c) Amounts of opium used for the manufacture of opium derivatives;

(d) Export and import of opium;

(e) Stocks of opium.

2. The statistics shall be furnished in a manner to be indicated by the Board.

3. The statistics referred to in 1 (a-c) shall be supplied within three months after the end of the year to which they relate. The statistics referred to under 1 (d) (export and import statistics) shall be supplied quarterly within four weeks after the end of the quarter to which they relate. The statistics referred to under 1 (e) (stocks) shall be supplied within five months after the end of the year to which they relate.

VI. NATIONAL CONTROL

1. *National monopolies in producing countries*

(a) Each country which permits the production of opium shall establish a national monopoly owned and administered by the State.

(b) Only cultivators licensed by the national monopoly shall have the right to produce opium; they shall deliver their total crops to the national monopoly.

(c) The cultivation of the opium poppy for the production of opium shall be permitted only on areas designated by the national monopoly.

(d) All wholesale trade and foreign trade in opium shall in such a country be reserved to the national monopoly.

(e) All stocks² of opium shall be held by the national monopoly except opium held by manufacturers.

2. *Administration of control by all Parties*

(a) Parties shall take all legislative and administrative measures necessary for the purpose both of the effective application of the provisions of this protocol relating to cultivation, trade and consumption of opium, and of the suppression of the illicit traffic in opium.

(b) Parties shall submit an initial report to the Secretary-General of the United Nations on the organization of the national monopoly referred to under 1. and on the measures taken in accordance with the preceding sub-paragraph. They shall also submit reports on important changes either in the organization of the monopoly or in such measures.

(c) Parties shall submit annual reports on the working of this Protocol. At the discretion of the Commission on Narcotic Drugs of the Economic and Social Council such annual reports may form a part of the annual reports furnished in accordance with Article 21 of the 1931 Convention.

(d) Parties shall apply the system of Chapter V of the 1925 Convention to the export and import of opium. (Export and import certificates, etc.)

² See definition of stocks in section IV.3.

(e) [Parties shall destroy all opium seized in the illicit traffic.]

[Parties shall either destroy opium seized in the illicit traffic or convert it into non-narcotic substances or appropriate it for medical or scientific use, either by the government or under its control (article 18 (1) of the 1931 Convention).

A non-manufacturing consumer country, however, shall be entitled to deliver the seized opium to a manufacturing country to enable the former to obtain in exchange the drugs required for its own medical needs, subject to the following conditions:

(i) The quantity of opium delivered in any year for conversion must not exceed the equivalent in opium of one year's drug requirements of the consumer country which made the seizure;

(ii) Authorization must have been granted previously by the Permanent Central Opium Board; and

(iii) The transaction shall be subject to the system of import and export licenses.]

VII. INTERNATIONAL CONTROL

1. If:

(a) A country fails to supply statistics, or supplies statistics so late as seriously to impair their value to the Board, or the statistics supplied are found by the Board not to be reasonably accurate;

(b) A country fails on more than one occasion to furnish estimates;

(c) The Board considers that the stocks of a country exceed the maximum limits prescribed by this protocol; or

(d) The Board considers that by reason of a country failing to comply with any provision of this protocol it has become or might become a centre or important source of illicit traffic;

The Board may request an explanation from the country concerned.

2. If an explanation convincing to the Board is not furnished within [a reasonable time] [two months or such longer period as the Board may in a particular case determine] the Board may:

(a) Propose to the country concerned a local enquiry by one or more of its members or other persons of its choice, such enquiry to be subject to the consent of

the annual report, estimates or statistics have not that country, and to be made in collaboration with officials nominated by that country;

(b) Call upon the country concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this protocol;

(c) Pronounce, on the basis of the available information, that the country concerned has failed to comply with the provisions of the protocol and at its discretion report accordingly to the Economic and Social Council, to all Members of the United Nations, and to other States Parties to the protocol;

(d) Ask Parties, from time to time, for information regarding the administration of the protocol in their territories and in this connexion tender such advice to the Parties concerned as it may consider necessary;

(e) Announce its intention of putting an embargo on exports or imports or on both at the same time; and

(f) Impose an export and/or import "embargo" for a specified period or until the situation in the country or territory concerned is satisfactory to the Board, provided that within one calendar month the country concerned may appeal to a committee of three independent persons to be appointed as a permanent body for this purpose by [the Economic and Social Council] [the International Court of Justice]. The "embargo" shall take effect one calendar month after the decision to impose it, but notification, to the Board, of an appeal shall have the effect of suspending the "embargo" pending the decision of the appeal committee.

3. The Parties shall undertake to carry out such an embargo.

4. The measures referred to in the preceding paragraph may also be taken in respect of non-Parties.

VIII. FINAL CLAUSES

1. Reservations

(a) Reservations shall be permitted in respect of:

(i) The traditional use of opium for quasi-medical purposes;

(ii) The traditional export and corresponding import of opium for quasi-medical purposes to designated countries or territories; no reservation shall be permitted in respect of export to non-Parties.

(b) Such reservations shall be permitted only under the following conditions:

(i) That the country making the reservation undertakes to abolish the use or export of opium for quasi-medical purposes within a definite period to be stated in the reservation;

(ii) That the country shall submit an annual report on the progress made towards such abolition;

(iii) That the country shall submit in respect of opium used or exported for quasi-medical purposes such estimates and statistics as are provided for in this protocol;

(iv) That the reservation shall cease to be effective if been furnished for a given year within a period which the Board shall in each case notify to the country concerned. The Board shall in every case give the country . . . months warning;

(c) The term "quasi-medical use" shall be defined so as not to include opium smoking.

2. Colonial (territorial) clause

A colonial (territorial) clause shall be included.

3. Clauses relating to entry into force, denunciation and settlement of disputes shall be included on the lines of those of the 1931 Convention.

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(51E)

Printed in Canada

Price: 30 cents (U.S.)
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91384—August 1951—2200