

MH. 1463/56/1  
CPM/140/63

MEMORANDUM FOR CABINET

Single Convention on Narcotic Drugs, 1961

On the 21st January, 1963 the U.K. Commissioner informed the Office of the Prime Minister that after several years of effort in the United Nations a new international Single Convention on Narcotic Drugs had been signed in New York in March, 1961. The new Convention was designed to consolidate and replace the numerous existing Conventions (with the exception of the 1936 Convention regarding Illicit Traffic) and to make such new provisions as experience had shown to be necessary.

Although the U.K. had not as yet ratified the Convention it was expected that Her Majesty's Government would do so as soon as time could be found for the legislation required. The Convention would not come into force until 40 states had either ratified it or acceded to it; until January, 1963 some 10 States had ratified it or acceded to it and it was then thought that it was likely to be at least another year before the figure of 40 was reached.

The Government of Malta was to be informed when the U.K. ratification had taken place. At a stage before this the Home Office proposed, however, to prepare a memorandum setting out the implications of the new Convention which, it was thought, would to a considerable extent also be relevant to overseas territories. The Malta Government, as promised, has now been supplied with a copy of this memorandum (a copy of which is attached hereto).

The U.K. Government does not propose to ratify the 1953 Protocol but intends to do so in respect of the Single Convention on Narcotic Drugs. The Secretary of State would therefore welcome confirmation as to whether the Single Convention should apply to Malta so that the necessary notification in accordance with Article 42 of the Convention could be made as soon as possible after ratification.

No difficulty is foreseen in Malta's being bound by the provisions of this Convention once Article 39 provides for the application of stricter control measures than those required by the Convention at the discretion of the national health authority. This provision is essential in that it allows flexibility in dealing with future problems which may arise calling for tighter measures. In this connexion the development of Malta's harbours as ports of call for yachts comes to mind; this may give rise to such a problem calling for stricter measures.

Another provision worth pointing out is Article 38 which binds the party to provide facilities for the medical treatment of drug addicts. In this regard the Malta hospital services have always succeeded so far in treating satisfactorily drug addicts.

Copy of the Single Convention is available at the Office of the Secretary to Cabinet. It should be noted that the Schedules to the Convention as published in the Command paper are out of order in that the latter part of Schedule I (on page 33) appears after Schedule II.

Adherence or otherwise to International Conventions is considered to be of such importance as to warrant Cabinet study. Cabinet may wish to approve that the Single Convention be made to apply to Malta.

20th January, 1964.

The Opium Protocol 1953 and the  
Single Convention on Narcotic Drugs 1961

A memorandum on the question of the ratification of the Opium Protocol 1953 was circulated on the 27th June 1956. This memorandum indicated that the Protocol was of limited use but might mark a definite, though modest, step towards the goal of suppression of illicit traffic in narcotic drugs. It was proposed that the Protocol should be ratified as soon as Turkey, and possibly Iran, had ratified in addition to India, which had already ratified, these being the three main opium exporting countries. It was further suggested that in the meantime the Protocol might be communicated to the authorities of the territories for whose international relations Her Majesty's Government was responsible with a view to obtaining their consent to its application to them. The Colonial Office sent out a circular (954/56) on the 5th September 1956 summarising the points made in the memorandum, and asking to be informed whether it was agreed that the Protocol should in due course be applied to the territories to which the circular was addressed.

2. The Opium Protocol was ratified by Iran in 1959, but that country had in the meantime ceased to produce opium. The Protocol came into effect on 8th March 1963 following ratification by Greece. Turkey ratified in June 1963.

3. In the meantime the situation has been considerably changed by the negotiation, early in 1961, of the Single Convention on Narcotic Drugs. The main purpose of the Single Convention is to codify the ten existing multilateral narcotics conventions which (with the exception of the 1936 Convention on the Suppression of Illicit Traffic) will come to an end as between parties to the Single Convention when that treaty comes into effect. The Single Convention incorporates some of the provisions of the 1953 Protocol, but those which were considered by the United Kingdom to be least desirable have been either modified or omitted altogether.

4. Apart from codifying the existing treaties the Single Convention (which has been published as a White Paper Cmnd. 1580 of 1962) extends and modifies the present controls in a number of ways, of which the following are the principal:-

- (a) The use of raw opium, prepared opium, coca leaves, cannabis, cannabis resin, drugs in Group II and the so-called "exempted preparations" are to be limited to medical and scientific needs.
- (b) Schedule I to the Convention contains a revised list of drugs to be controlled internationally. The most important changes are the addition of poppy straw, poppy concentrate and 1-methyl-4-phenylpiperidine-4-carboxylic acid (an "intermediate" form of pethidine.)
- (c) Schedule II lists drugs to which a slightly less strict regime of control is to apply; but this regime is stricter than the controls required to be applied to Group II drugs under the existing treaties.

- (d) Schedule III lists preparations to be subject to further relaxations of the full control; this will replace, and is more strict than, the present control of "exempted preparation".
- (e) Control is extended to the cultivation of the opium poppy, the coca bush and the cannabis plant for the production of narcotics.
- (f) The administrative arrangements for international control are simplified, for instance by the amalgamation of the Permanent Central Opium Board and the Drug Supervisory Body.
- (g) There is also a simplification of the procedure for bringing drugs under control.
- (h) Article 1 contains a number of new and revised definitions. In particular the term "cannabis" replaces the term "Indian hemp" used in the present treaties and there is a new definition.
5. The Single Convention contains a number of provisions which are not mandatory. One of these recommends the prohibition of drugs listed in Schedule IV to the Convention (paragraph 5(b) of article 2). Her Majesty's Government indicated at the conference at which the Convention was drafted that it was not their intention to prohibit the use of any narcotics in the United Kingdom. It was similarly indicated that Her Majesty's Government did not intend to give effect to the recommendations concerning the marking of packages of dangerous drugs with double red lines (paragraph 4 of article 30), or to the adoption of special forms for the prescription of dangerous drugs (paragraph 2(b) (ii) of article 30).
6. The Single Convention will come into effect when it has been ratified by 40 States. So far it has been ratified by 20. It has been decided in principle that the United Kingdom should ratify as soon as the necessary legislation to amend the Dangerous Drugs Act can be passed. It is not possible for Government time to be found for a Bill for this purpose, but a Bill is being drafted in the hope that it may be possible to have it sponsored by a Private Member in the next session.
7. The main changes to be made in the Dangerous Drugs Act 1951 in order to comply with the requirements of the Single Convention are:-
- (1) Poppy straw will be controlled as a dangerous drug.
  - (2) Powers will be taken to control "precursor" drugs such as the "intermediate" form of pethidine as narcotics.
  - (3) Provision will be made to enable the list of drugs under control to be amended from time to time in accordance with the provisions of the Convention for the notification of drugs by the United Nations.
8. Other amendments to the present control can be made by way of amendment to the Dangerous Drugs Regulations made under the Act. Such amendment will be necessary in particular to adapt the present arrangements for the control of **Group II** drugs and exempted preparations to the new conception of schedule II drugs, which will be subject to very much the same control as drugs listed in Schedule I of the Single Convention, and Schedule III preparations which will in effect be exempt only from import and export control. The most important effect of these changes will be that manufacturers and wholesalers will be required to keep records of all transactions in Schedule III preparations, and retailers will be required to keep a record of acquisitions of such preparations; it is understood that it is not the intention of the Convention to require records to be kept by retailers of sales of Schedule III preparations.

o. Consideration has been given to the question whether the United Kingdom should in the meantime ratify the 1953 Protocol, which could be done without legislation. The main differences between the 1953 Protocol and the Single Convention are that in the latter:

(a) The limitation of opium stocks (article 5 of the Protocol) has been omitted.

(b) The limitation of international trade in opium by confining export to certain named countries (article 6 of the Protocol) has been modified to make it more flexible (article 24 of the Convention).

(c) The requirement that seized opium shall be destroyed (article 7 of the Protocol) has been omitted and export of such opium is specifically allowed (paragraph 5(b) of article 24 of the Convention).

(d) The provisions for local enquiries (paragraph 1(d) of article 11 of the Protocol) and for a mandatory embargo (paragraph 3 of article 11) have been omitted.

10 As was indicated in the memorandum of 1956, the Protocol was never regarded by the United Kingdom as a very satisfactory instrument. It was clear at the conference at which the Single Convention was drafted that a number of the provisions of the Protocol were unacceptable to a large number of countries, and it was for this reason that several of the provisions of the Protocol were omitted or were included in the Single Convention only in modified form. It also has to be borne in mind that, the 1953 Protocol will be terminated as between parties to the Single Convention once that treaty comes into effect. In the circumstances it does not appear that there would be any advantage in ratifying the Protocol.