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REPORT OF THE COMMISSION ON NARCOTIC DRUGS ON ITS THIRTY-FOURTH SESSION*

(Vienna, 29 April to 9 May 1991)

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* The present document is a mimeographed version of the report of the Commission on Narcotic Drugs on its thirty-fourth session. It will be issued subsequently in final form as Official Records of the Economic and Social Council, 1991, Supplement No. 4 (E/1991/24, Supp. No. 4).

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Chapter II

IMPLEMENTATION OF INTERNATIONAL DRUG CONTROL TREATIES

2. At its 1045th meeting, on 30 April 1991, the Commission considered agenda item 3, which related to: (a) the possible rescheduling of one substance and its stereochemical variants under the provisions of the Convention on Psychotropic Substances, 1971 1/ (E/CN.7/1991/17, paras. 1-6, and Add.2, paras. 1-2); (b) the possible descheduling of one substance under the provisions of the 1971 Convention (E/CN.7/1991/17, paras. 7-16, and Add.2, paras. 3-4); (c) the possible termination of the exemption by one Government of 55 preparations under the provisions of the 1971 Convention (E/CN.7/1991/17, paras. 17-24, and Add.2, paras. 5-6); and (d) the indexing of the E/NL. series of national laws and regulations (E/CN.7/1991/17/Add.1 and E/CN.7/1991/CRP.11). For its consideration of this agenda item, the Commission also had before it the twenty-seventh report of the WHO Expert Committee on Drug Dependence. 2/

A. Consideration of recommendations for rescheduling, for descheduling and for terminating exemption under the Convention on Psychotropic Substances, 1971

1. Recommendation for rescheduling delta-9-tetrahydrocannabinol and its stereochemical variants

3. The Commission had before it a notification from the Director-General of the World Health Organization (WHO) recommending that delta-9-tetrahydrocannabinol (delta-9-THC) and its stereochemical variants should be rescheduled from Schedule I to Schedule II of the 1971 Convention, together with the comments received by the Secretary-General from Governments on the possible rescheduling of delta-9-THC and its stereochemical variants (E/CN.7/1991/17 and Add.2).

4. The observer for WHO made a statement on the notifications before the Commission. He drew attention to the fact that, in recommending the transfer of delta-9-THC and its stereochemical variants, there would be no need to make a technically difficult differentiation between its stereochemical variants in enforcing the regulation.

5. Some representatives expressed their support for the WHO recommendation and mentioned that the substance was under national control in that it was subject to the same control as substances listed in Schedule I of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol; 3/ others expressed the view that stricter controls could always be applied at the national level. One representative stated that, while his Government could accept the transfer of delta-9-THC and its stereochemical variants, it should not be used as a precedent to review the 1961 Convention with regard to cannabis or cannabis resin. Several representatives emphasized that the flexibility provided by such a transfer would be highly desirable, in view of the therapeutic usefulness of the substance, and that to keep it under control in Schedule I of the 1971 Convention might limit its availability to patients undergoing chemotherapy. Several representatives stated that in

their opinion there was no link between the therapeutic use of delta-9-THC and the abuse of cannabis. Some representatives did not agree with the WHO recommendation. One said that another drug had proved to be quite effective in the treatment of cancer and that, for that reason, rescheduling the substance did not seem to offer any therapeutic advantage and might even be interpreted as an attempt to legalize cannabis.

6. The Commission, by a vote of 33 in favour and 5 against, with no abstentions, decided to transfer delta-9-THC and its stereochemical variants from Schedule I to Schedule II of the 1971 Convention. The five States voting against the decision were Colombia, Côte d'Ivoire, Egypt, France and Pakistan. For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter XIV, section B, decision 2 (XXXIV).

2. Recommendation for descheduling of propylhexedrine

7. The Commission also had before it a notification from WHO (E/CN.7/1991/17 and Add.2) recommending that propylhexedrine (N, -dimethylcyclohexaneethylamine) should be deleted from Schedule IV of the 1971 Convention and should not be transferred to any other Schedule.

8. Several representatives expressed their agreement with the WHO recommendation. One, however, expressed concern about making frequent changes in the scope of control of substances, adding that it might result in regulatory and administrative instability within member States.

9. The Commission unanimously decided to remove propylhexedrine from Schedule IV of the 1971 Convention. For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter XIV, section B, decision 3 (XXXIV).

3. Recommendation for terminating the exemption of 55 preparations containing butalbital by the Government of the United States of America

10. The Commission also had before it a notification from WHO recommending the termination of the exemption by the Government of the United States of America of 55 preparations containing butalbital from certain control measures, under the provisions of article 3 of the 1971 Convention (E/CN.7/1991/17 and Add.2).

11. The Commission decided unanimously to terminate the exemption by the Government of the United States of the 55 preparations containing butalbital, so that the requirements of article 12, paragraph 2, of the 1971 Convention should apply to those preparations. For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter XIV, section B, decision 4 (XXXIV).

B. Cumulative index of laws and regulations relating to the control of narcotic drugs and psychotropic substances published in the E/NL. series

12. For its consideration of the cumulative index of laws and regulations relating to the control of narcotic drugs and psychotropic substances published in the E/NL. series, the Commission had before it a note by the Secretariat (E/CN.7/1991/17/Add.1) containing an explanation of the improvements on the format of the cumulative index for the period 1987-1990, that would make it a more useful tool for legislative research in connection with the provisions of the 1988 Convention. The Commission took note of the cumulative index for the period 1987-1990 (E/CN.7/1991/CRP.11) and agreed that it should be issued as a United Nations sales publication.

13. One speaker emphasized the quality and usefulness of the cumulative index. He suggested that, while the Secretariat should continue to distribute it to Governments, it should leave it to them to request the texts of laws and regulations that they required.

B. Decisions

292. The Commission, at its thirty-fourth session, adopted the following decisions:

Decision 1 (XXXIV)

Adoption of revised part B of the annual reports questionnaire*

At its 1059th meeting, on 9 May 1991, the Commission on Narcotic Drugs decided to replace part B of the annual reports questionnaire with its revised version, 1/ beginning with the annual reports questionnaire for the calendar year 1991.

1/ E/CN.7/1991/CRP.10.

Decision 2 (XXXIV)

Transfer of delta-9-THC and its stereochemical variants from Schedule I to Schedule II of the Convention on Psychotropic Substances, 1971**

At its 1045th meeting, on 29 April 1991, the Commission on Narcotic Drugs, in accordance with article 2, paragraphs 5 and 6, of the Convention on Psychotropic Substances, 1971, decided that delta-9-tetrahydrocannabinol (also referred to as delta-9-THC) and its stereochemical variants should be transferred from Schedule I to Schedule II of that Convention.

Decision 3 (XXXIV)

Deletion of propylhexedrine from Schedule IV of the Convention on Psychotropic Substances, 1971***

At its 1045th meeting, on 29 April 1991, the Commission on Narcotic Drugs, in accordance with article 2, paragraphs 1 and 6, of the Convention on Psychotropic Substances, 1971, decided that N, dimethylcyclohexaneethylamine (also referred to as propylhexedrine) should be deleted from Schedule IV of that Convention.

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* See paragraph 133 above.

** See paragraph 6 above.

*** See paragraph 9 above.