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DEPARTMENT OF STATE

Washington, D.C. 20520

September 8, 1970

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TO : J - Ambassador Johnson

THROUGH: S/S *[Handwritten signature]*

FROM : IO - Samuel F. DePalma *[Handwritten initials]*
L - John R. Stevenson *[Handwritten initials]*

SUBJECT: *[Handwritten arrow]* Proposals for Amending the 1961
Single Convention on Narcotic Drugs -
ACTION MEMORANDUM

In your July 8 meeting on heroin imports with Dr. Moynihan, it was decided:

"The Department of State will prepare drafts of a new convention on

- (i) international control of opium production
- (ii) making participation in the heroin traffic an international crime with a view to submitting them for discussion and study at [next month's special session of the U.N. Commission on Narcotic Drugs (CND)] either for strengthening the Single Convention of 1961 or for a separate instrument. (emphasis added).*

Pursuant to this decision, a major new instrument which would establish a new International Opium

* Paragraph (10)c of your July 10 memo to Dr. Moynihan.

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Agency has been prepared in consultation with the Bureau of Narcotics and Dangerous Drugs. With BNDD's concurrence however, this memorandum concludes that it would be more practical to work through existing international bodies for more effective international controls by proposing amendments to the 1961 Single Convention rather than to propose a new instrument and establish a new Agency. We are recommending specific steps to implement this conclusion starting at this month's special session of the CND.

Background

The 1961 Single Convention on Narcotic Drugs makes use of the UN's Economic and Social Council, the CND and an International Narcotics Control Board. These bodies now possess essentially recommendatory powers, and the Single Convention depends on the voluntary cooperation of individual states for its implementation. There is some international supervision based upon information submitted by states but virtually no effort to develop an international policy that would correlate a country's success in controlling illegal drug use with its right of access to the legal drug trade. There is no authority under the Single Convention to encourage parties to reduce and eventually eliminate the production of opium, nor has the Single Convention been effective in controlling or eliminating the illicit production, processing and distribution of opium.

The 1953 Protocol for Limiting and Regulating the Cultivation of the Poppy Plant actually had a number of stronger provisions than the Single Convention which supersedes it between parties to the latter Convention. During negotiation of the Single Convention, objections to strong controls were expressed, particularly by the Eastern Europeans and by newly independent countries, including dislike of open inspection and of the

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principle of restricting to seven named long-established producing states the legal production of opium for export and prohibiting such production by all other states. Countries producing opium for export have shown a tendency to oppose strong controls that fall only upon them.

In the last few years, the rapid spread of hard narcotics addiction may have created an atmosphere more conducive to acceptance of stronger measures. The problem is made more acute and apparent by greatly increased international travel. Younger countries are perhaps more aware that there is no economic bonanza for them in opium production and that drugs pose a threat to their people.

New Control Measures

Our new proposals are based on the beliefs that an essentially voluntary system is no longer adequate and that what is needed is a system of enforceable international controls on the cultivation of the opium poppy and the production, manufacture, and export of opium substances -- both those derived from the opium poppy and similar substances produced synthetically -- in order to limit these activities to what is necessary for legitimate medical and scientific requirements.

To achieve these purposes, fundamentally new authority could be assigned to a new organization or, as we believe would be more feasible, to the CND to (a) collect necessary information from member countries, (b) set annual quotas for legal cultivation, production, manufacture and export of opium substances, such quotas to be based on world need and a member's success in preventing illegal diversion, (c) direct a body of international inspectors with authority to investigate conditions in a state party to the Single Convention under certain circumstances, (d) adopt remedial measures

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if a state party seriously exceeds an approved quota, and (e) administer a fund to provide significant assistance to parties desiring to limit and eventually eliminate opium production, to improve domestic control systems or for other related activities such as public education and rehabilitation of addicts.

We propose also that participation in the international traffic of opium substances contrary to the provisions of the international quota system would constitute an international crime like piracy and genocide. No major new U.S. criminal legislation would be required as our present domestic licensing system provides criminal penalties for violations.

Amendment Procedure vs. New Convention

In order to justify a proposal for a new convention to establish a new Agency, we would have to demonstrate not only that the 1961 Single Convention is defective, but also that it cannot be strengthened by amendment. After examining this question with BNDD, we have concluded that we cannot now argue convincingly that the present system is incapable of improvement by amending the Single Convention. We also believe that other interested countries, as well as Congress, would be more receptive to proposals to improve the present machinery and thus avoid creating a new international organization.

An important question is whether we want to encourage the participation of Communist China, East Germany, and other divided states in any new international controls. Communist China is an important nation in the international opium market in terms of potential, if not present, production and export. If we decide that the participation of divided states is desirable, there might be an

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advantage to proposing a new organization distinct from the U.N. system. On the other hand, participation of the Communist parts of divided states is legally possible under the 1961 Single Convention through an ECOSOC invitation.*

Presentation of U.S. Proposals at CND's Special Session

We recognize that achieving international agreement on a new regulatory system would probably take several years whether in the form of a new convention or as amendments to the 1961 Convention which itself required ten years to negotiate. We would expect, however, certain benefits to flow immediately from surfacing the substance of some new proposals during this month's special session:

- It would make clear that we consider the matter to be a serious multilateral problem and that we are not singling out Turkey or any other country for undue attention. This is essential to help Turkey's Government resist charges of bilateral U.S. pressure while pursuing its efforts to reduce poppy cultivation and exercise more effective controls over opium produced in Turkey.
- It would demonstrate our seriousness and good faith by having the proposed new control measures apply to synthetic opium-type drugs as well as to opium and opium derivatives. Any new proposal would be significantly less attractive to and probably rejected by countries producing opium and opium derivatives if it were not also applicable to opium-type synthetics.

* The ROC and ROK are already parties to the Single Convention; the FRG and ROVN are also eligible without special invitation as members of specialized agencies.

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- It should stimulate greater energy and imagination on the part of the International Narcotics Control Board in operating under its existing authority.
- It would stimulate others to think about alternatives for improving the inadequate system which now exists.

The United States Delegation, alone or with a representative group of co-sponsors, could formally introduce the texts of proposed amendments to the Single Convention at this month's special session of the CND. Formal introduction would be the most dramatic and attention-getting procedure and would make clear that we are determined to press for more effective international control. On the other hand, formal introduction of the amendments to a session limited to five working days might focus the opposition of those who, at this stage, are not prepared to accept drastic changes in the present system and would almost certainly detract from attempts to discuss other short and long term policy recommendations for integrated international action. In addition, there would be some advantages to introducing our ideas in more general form so as to encourage others to participate in the formulation of specific texts.

Instead of tabling a formal proposal, therefore, we recommend that the U.S. Delegation in its opening statement should identify the weaknesses of the existing system, state our opinion that the 1961 Single Convention should be amended to correct these deficiencies and that the U.S. expects to submit specific proposed amendments at an early date to the Secretary-General in accordance with Article 47 of the Single Convention. Also, during the special session, we believe the U.S. Delegation

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should introduce a working paper which would discuss in more detail the defects of the existing system, the nature of new regulatory authority which could be given either to existing bodies such as the CND or possibly to a new agency and procedural steps for bringing such amendments into force. In addition, the Delegation would have available the texts of specific amendments to the 1961 Convention embodying our ideas for informal circulation.

To proceed as quickly as possible to obtain serious international consideration of our suggestions, the U.S. would formally submit the texts of its proposed amendments to the Secretary-General shortly after the conclusion of the special session of the CND. The Secretary-General would communicate them to the other parties and to ECOSOC, which has supervisory authority over the Single Convention. After making approaches in key capitals to assure ourselves of adequate support, we would then urge ECOSOC at its November session to call for a plenipotentiary conference to consider the proposed amendments as early as Spring 1971. L believes this timetable is feasible if we are serious about encouraging other countries to give prompt consideration to our proposals or suggest alternatives on an urgent basis. IO does not believe enough ECOSOC members can be persuaded to call a conference at such an early date. Accordingly, IO prefers to leave open the question of next steps until after the CND meeting at which time we will be able to plan on the basis of the initial reactions of other CND delegations.

Recommendation

That you authorize the U.S. Delegation to the 1970 Special Session of the U.N. Commission on

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Narcotic Drugs to: (1) table a working paper describing generally our ideas for establishing new enforceable international control of cultivation of the opium poppy and the production, manufacture and export of opium substances (as set forth at pages 3 and 4 above); (2) to have available the text of specific amendments to the 1961 Single Convention for informal distribution to other delegations; and (3) to indicate that we will shortly propose amendments formally and that we will seek to obtain a call from ECOSOC for a conference to consider those amendments as quickly as possible.

APPROVE

SEP 15 1970

DISAPPROVE

Clearances:

- IO - Mr. Kotschnig (subs.) *HK*
- IO - Mr. McDonald *[initials]*
- BNDD - Mr. Miller *[initials]*
- S/NM - Mr. Wellman *[initials]*
- NEA/TUR - Mr. Cash *[initials]*
- L/T - Mr. Bevans *C.A.B.*

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OFFICE OF THE
EXECUTIVE SECRETARY

[initials]
L/NEA:SMBoyd:eg

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