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COMMISSION ON NARCOTIC DRUGS
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PROTOCOL FOR LIMITING AND REGULATING THE CULTIVATION
OF THE POPPY PLANT, THE PRODUCTION OF, INTERNATIONAL
AND WHOLESALE TRADE IN, AND USE OF OPIUM

Draft of a Model Code and Commentary for the Application
of the Protocol

Note by the Secretary-General

1. Following a recommendation* of the United Nations Opium Conference of 1953, the Economic and Social Council at its sixteenth session adopted resolution 505 H (XVI) in which it requested the Commission on Narcotic Drugs "to draw up a model code and commentary for the application of the Protocol, adopted by the Conference, for limiting and regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, after the pattern of the model codes prepared by the League of Nations Advisory Committee on the Traffic in Opium and Other Dangerous Drugs for the application of the International Opium Convention, signed at Geneva on 19 February 1925, and of the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931".
2. In the discussion of this resolution by the Economic and Social Council at its sixteenth session** it was decided to include the double expression "code and commentary", with the intention of giving the Commission on Narcotic Drugs latitude to prepare, at its discretion, either a code, or a commentary, or a combination of both. It was also observed in the discussion that such a document

* Resolution XIV, document E/NT.8.

** E/AC.7/SR.249, p.6.

"would supply the States which found it necessary to introduce new legislation with uniform interpretations for their guidance".

3. The model administrative codes* to which the resolution refers as pattern contain interpretations, and recommendations and practical suggestions, on the implementation of the provisions of the 1925 and 1931 Conventions. If "commentary" is defined as a "treatise consisting of a series of comments on a text,** the model codes themselves are to a considerable extent commentaries. While the interpretations included in each of the two model codes constitute a commentary, the recommendations and suggestions form in effect a "code".

4. The content of the document to be produced is also affected to some extent by the time factor. The Model Codes referred to in the Council's resolution were issued, in the case of the code on the 1925 Convention about three years after the adoption of the Convention, and in the case of the 1931 Convention nearly one and a half years after its adoption. The Commentary on the 1931 Convention*** was published more than six years after the Convention's adoption. The Secretary-General believes that the Commission would wish to aim at the issue of a code and commentary at a time when it will be most useful in connexion with legislative or administrative measures of Governments relative to the coming into force of the Protocol. It will, therefore, generally, be necessary to concentrate to a great extent on the more essential recommendations and interpretations relevant to the coming into force of the Protocol. The situation also differs from the case of the earlier codes in that the eventual adoption of the Single Convention will afford an opportunity for a comprehensive, consolidated commentary at the appropriate time. For the present document, it is suggested that the aim should be approval by the Commission of the final document by its session in 1955.

* League of Nations document C.774.M.365.1932.XI.

** The Shorter Oxford English Dictionary.

*** League of Nations document C.191.M.136.1937.XI.

5. In order to facilitate the work of the Commission, both as regards the form and content of the document which it wishes and as regards the suggested target date of issue, the Secretary-General has prepared the first part of a draft of a code and commentary in anticipation of the Commission's first discussion of the matter. He does not consider that all the draft comments and recommendations set out should necessarily be included in the final draft, a number having been included rather because he believes that the points concerned require examination by the Commission. The first part of the draft deals with Articles 1 to 7, 10, 14 to 26. It will be circulated as an addendum to this note as soon as possible.
6. The interpretations and recommendations contained in the draft are based on the assumption that the Protocol is generally intended to supplement and not to replace the provisions of the 1912 and 1925 Conventions.
7. As regards the second part of the draft, which would deal with articles which are of primary concern to the Permanent Central Opium Board and Supervisory Body (viz. 8, 9, 11, 12, 13) it will be desirable to have the advice of the Board and Supervisory Body. The Commission will perhaps wish to request the Board and Supervisory Body to communicate to the Secretary-General their views regarding the interpretation of matters in these articles, and recommendations of which they would wish that the Commission should consider the inclusion, in order that they may be available in the preparation of the final draft of the document for the 1955 session of the Commission.
