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SOCIAL COUNCILCONSEIL  
ECONOMIQUE  
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E/AC.12/5  
23 September 1946

ORIGINAL: ENGLISH

## DRAFTING COMMITTEE ON NARCOTIC DRUGS

## SUMMARY RECORD OF THE THIRD MEETING

Held at Lake Success, New York, Thursday 19 September 1946  
at 10:40 A.M.

The following were present:

Chairman: Sir Sydney Harris (United Kingdom)

Dr. Sze	(China)
Dr. Pitlik	(Czechoslovakia)
M. Perrier	(France)
M. Patino	(Peru)
M. McKinnon Wood	(United Kingdom)
M. Kobushko	(USSR)
M. Mulliken	(United States)

Secretariat: M. Steinig

The CHAIRMAN asked Mr. McKinnon Wood to report on the possible consequences of the adoption of the Chinese amendment (Cf. E/AC.12/4, page 4) to the Draft Protocol (E/116).

Mr. McKINNON WOOD (UNITED KINGDOM) said that the Chinese amendment would have no extensive effects. He noted that the amendment would apply only to the Convention of the Second Opium Conference (Geneva, 1925), and to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs (Geneva, 1931). For example, in Article 35 of the 1925 Convention, the Chinese amendment would have the effect of relieving the Secretary-General from the obligation of notifying Spain of new accessions to the Convention.

In Article 5 of the 1931 Convention, the Chinese amendment would relieve the Permanent Central Board from the obligation of communicating to Spain the form in which Spain should supply estimates of drugs in its territory. It would also relieve the Supervisory Body from the obligation of communicating to Spain a statement containing the estimates supplied by various countries.

In Articles 11 (paragraph 5), 26, 29 and 32, the Chinese Amendment would result in depriving Spain of the right to receive various notifications in connection with the work of the Convention.

Mr. McKINNON WOOD thought that the only significant effect of the Chinese amendment would be in Article 5 of the Convention of 1931. If Spain were to be excluded from the work of the Convention, much more elaborate amendments would be necessary, thus confusing the structure of the document.

Dr. SZE (CHINA) urged the Committee to adopt his amendment with the proviso that it should not apply to Article 5 of the 1931 Convention. The effects of the amendment on Article 5 might deserve further consideration. The Chinese government thought that one important object of the amendment was to obtain the co-operation of the Soviet Union.

Mr. McKINNON WOOD (UNITED KINGDOM) raised the question whether non-members of the United Nations, such as Sweden and Switzerland, would also be affected by the amendment.

Mr. KOBUSHKO (USSR) asked Dr. Sze to explain why Article 5 should be excluded from the effects of the Chinese amendment.

Dr. SZE said that he thought the amendment ought to apply to Article 5, but that in view of Mr. McKinnon Wood's statement, perhaps this one point might be considered further after the adoption of the modified Chinese amendment. Article 5 involved the Supervisory Body and the Permanent Central Board, which both were outside the United Nations.

Mr. KOBUSHKO (USSR) asserted that the issue was not whether one article or another should be applied to Spain, but whether Spain should be invited to take part in the work of the United Nations. It was inadmissible for this drafting committee to go against the policy of the Organization. Mr. McKinnon Wood's proposals implied a demand that Spain should be invited - yet Spain was a threat to peace. Mr. Kobushko thought that Spain should be excluded specifically, and that a decision should be taken on other non-members of the United Nations and on countries which had no governments at the present time.



Mr. PATINO (PERU) asked whether governments which had withdrawn from membership of the League of Nations were still bound by Conventions made under the auspices of the League. Mr. McKINNON WOOD explained that the Conventions remained in force and were independent of the League.

Mr. PATINO then declared that health problems should be considered without regard to politics. He supported the United Kingdom version and opposed the Chinese proposal.

Mr. PERRIER (FRANCE) asked Mr. McKinnon Wood whether the Chinese amendment would in any way exclude Spain from the effect of the original Conventions.

Mr. McKINNON WOOD (UNITED KINGDOM) explained that the task of the committee was to provide for the legal continuation of the Permanent Central Board and of the Supervisory Body referred to in the Convention of 1931. With regard to the protocol under consideration, it was feasible to exclude Spain, but that would be a political question, and would therefore necessitate instructions from the Economic and Social Council.

Dr. PITLIK (CZECHOSLOVAKIA) asserted that even tacit admission of Spain would create a dangerous precedent. There was a tendency in the United Nations to avoid even the slightest connection with the present Spanish government.

Mr. PERRIER (FRANCE) pointed out that Spain was already a party to the Conventions. He expressed the fear that an attempt to exclude Spain would provide an excuse for illicit traffic in narcotics. The exclusion of Spain should be left to the Economic and Social Council on the basis of a draft which would be worked out by the present committee.

Mr. MULLIKEN (UNITED STATES) said that the committee was a technical and not a political one. The Economic and Social Council should rule on the Spanish question, and should instruct the committee on the method to be followed.

Mr. PERRIER (FRANCE) agreed, but pointed out that to do so might delay the committee's work until next year.

The CHAIRMAN said that the exclusion of Spain must be decided by the Council, since even the adoption of the Chinese amendment would not achieve

the object of excluding Spain. The Committee might therefore refer the matter to the Council at once, risking a delay; or else it might continue its work on the understanding that the Council's attention would be directed to the Spanish question in the committee's report.

Mr. PERRIER (FRANCE) favoured the latter suggestion. He noted that all the members agreed to urge consideration of the Spanish question by the Council.

Dr. SZE (CHINA) supported the United States proposal, but thought that it was not inconsistent with the Chinese amendment, as modified to exclude Article 5. The committee should provide the Council with clear alternative proposals in regard to Article 5: 1. a restatement of the Chinese amendment, 2. the United Kingdom version.

Mr. MCKINNON WOOD (UNITED KINGDOM) pointed out that the Chinese amendment would only deprive Spain of certain unimportant facilities under the Conventions, and at the same time would create a disturbing situation with regard to other non-member states.

Mr. KOBUSHKO (USSR) said that the Committee had deviated from discussion of the Chinese amendment and of the Soviet proposal to exclude Spain specifically. He declared that both Mr. McKinnon Wood and Sir Sydney Harris had described the Spanish question as not being within the competence of the committee, and yet had dwelt on what they called the ineffectiveness of the Chinese amendment. The Chinese amendment should be adopted, and the political question should be sent to the Council. Mr. Kobushko declared that Mr. Perrier's fear of Spanish violations of conventions on narcotics evinced a lack of faith in the authority of the United Nations. The Chinese and the Soviet proposals should be discussed and put to the vote. The Chinese amendment was not inconsistent with the United States proposal, since it did not actually exclude Spain; the Soviet proposal to exclude Spain should be recommended to the Council in the committee's report. The recent Health Conference in New York proved successful in the absence of Spain; the narcotics question too could be solved without Spain.



The CHAIRMAN suggested that the committee should consider the non-contentious questions first and should then incorporate the proposal to exclude Spain - as well as the Chinese amendment - in its report to the Economic and Social Council.

Mr. KOBUSHKO (USSR) was opposed to further delays. He said that the Chinese amendment constituted a full solution - a juridical, not a political solution. The Soviet representative also mentioned Japan and Germany, which had no governments. He declared that the Chinese amendment in conjunction with the Soviet proposal would cover the point.

The CHAIRMAN called for a vote on the Chinese amendment and Dr. SZE made it clear that, as the amendment now stood, it would not apply to Article 5 of the Convention of 1931.

Decision: The amendment was approved by a vote of 4 to 2, with one abstention.

Mr. KOBUSHKO (USSR) declared that he would defend his proposal before the Economic and Social Council, urging specific exclusion of Spain from the list of countries to which the Protocol under consideration would be sent.

The CHAIRMAN said that the question would be discussed by the Council, since he would mention it in his report as chairman.

Mr. KOBUSHKO (USSR) again mentioned the cases of Germany and Japan.

Mr. STEINIG (Secretariat) expressed the view of the Secretariat that international control ought to be applied strictly to occupied territories. The Opium Board and the Supervisory Body had already made inquiries of the occupying authorities, and had received some assurances that control would be continued.

The meeting rose at 12:45 p.m.

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