



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CONF.14/SR.8
25 June 1953

ORIGINAL: ENGLISH

UNITED NATIONS OPIUM CONFERENCE
SUMMARY RECORD OF THE EIGHTH MEETING

Held at Headquarters, New York,
on Monday, 15 June 1953, at 3 p.m.

CONTENTS

Reports of the Credentials Committee (E/CONF.14/L.4, E/CONF.14/L.40)

Consideration of the draft final act (E/CONF.14/L.55,
E/CONF.14/L.55/Add.1)

<u>President:</u>	Mr. LINDT	Switzerland
<u>Executive Secretary:</u>	Mr. YATES	
<u>Administrative Secretary:</u>	Mr. PASTUHOV	

REPORTS OF THE CREDENTIALS COMMITTEE (E/CONF.14/L.4, E/CONF.14/L.40)

Mr. JOUBIANC-RIVAS (Mexico), Chairman of the Credentials Committee, presented the Committee's second report (E/CONF.14/L.40).

The PRESIDENT announced that the Credentials Committee would meet for the third and last time on the eve of the closure of the Conference to approve the credentials of States which had not yet submitted them. Accordingly, he suggested that the Conference should merely take note of the Committee's second report.

It was so agreed.

CONSIDERATION OF THE DRAFT FINAL ACT (E/CONF.14/L.55, E/CONF.14/L.55/Add.1)

The PRESIDENT suggested that the Drafting Committee's text (E/CONF.14/L.55) should be discussed article by article, and that adoption of the act as a whole, in its final form, should be left over until the end of the Conference.

Article I

Mr. ARDAIAN (Iran) proposed that sub-paragraph (a) of the operative part should be made consistent with article 16 of the draft protocol, which specified that in addition to Members of the United Nations, any non-member State might accede to that instrument.

It was so agreed.

Article I was adopted.

Article II

Mr. VAILLE (France) favoured deletion of the two passages between brackets in the preamble of the article, on the grounds that they were superfluous in the Final Act. The background material in the first passage could be found in the records of the Ankara Conference and its inclusion would make the Final Act too long. The second passage beginning with the word "Noting..." served no useful purpose.

Mr. CARAYANNIS (Greece) and Mr. WALKER (United Kingdom) supported the French view.

Mr. OR (Turkey) was in favour of maintaining the first clause, in order that those entrusted with executing the detailed provisions of the protocol would have some notion of the background, but would delete the second bracketed clause of the preamble.

Mr. NIKOLIC (Yugoslavia) shared that opinion.

Mr. KRISHNAMOORTHY (India) would maintain both clauses. The first clause gave a connected account of why the export of opium had been restricted to a specified number of countries.

The first preambular clause between brackets was rejected by 15 votes to 4, with 4 abstentions.

The second preambular clause between brackets was rejected by 15 votes to 3, with 5 abstentions.

Mr. KRISHNAMOORTHY (India), explaining his vote, pointed out that there had been an even greater need to retain the second clause in brackets once the first clause had been deleted, in order to ensure that all countries which exported opium in 1950 were mentioned in article II.

Mr. YATES (Executive Secretary), referring to the alternative recommendations in the operative part of the article, observed that while neither alternative presented any difficulty for the Secretariat in view of the work done on restrictive business practices, the second appeared to correspond more closely to that work.

Mr. NIKOLIC (Yugoslavia) would delete both clauses on the grounds that they could have no practical effect until the whole problem of cartels could be resolved on the international scale, and that they might lead to confusion. It was not clear how a State could prevent or prohibit a commercial enterprise from

entering into a legitimate commercial agreement with a similar enterprise in another State. The recommendations would not even be morally binding on governments.

Mr. VAILLE (France) pointed out first that the texts in question were recommendations and consequently could not be legally binding. The Main Committee had decided to incorporate them in the Final Act rather than in the Protocol, in order to avoid the risk of adopting a text which might clash with a decision of the Economic and Social Council at its forthcoming session.

To satisfy the Yugoslav representative, he was prepared to abandon the first alternative. Deletion of both recommendations, however, would be tantamount to an invitation to the parties to enter into restrictive combinations. Moreover, many countries had specific anti-cartel legislation. The texts merely recommended to governments to prevent artificial rises in prices and restriction of free competitive enterprise. France would vote for the second alternative.

Mr. JOUBIANC-RIVAS (Mexico) supported the French view.

The Conference decided to maintain one of the alternative recommendations by 17 votes to 1, with 7 abstentions.

Mr. NIKOLIC (Yugoslavia) had voted against the recommendations because he considered that, in view of the prevailing cartel situation in the world, they were meaningless in the Final Act.

Mr. VAILLE (France) urged adoption of the second alternative recommendation because it was most nearly in the spirit of the past work on restrictive business practices done by the Economic and Social Council.

The second alternative recommendation was maintained by 19 votes to 1, with 5 abstentions.

Article III

Mr. JOUBLANC-RIVAS (Mexico) proposed that the words "international trade" should be substituted for "other fields of economic endeavour" in the last line of the second paragraph. He considered the present wording to be somewhat ambiguous.

Mr. VAILLE (France) and Mr. WALKER (United Kingdom) supported the proposal.

Mr. RENBORG (Observer from Sweden) felt that the term "international trade" should be qualified. Elsewhere in the article the term "international trade in opium" had been used.

Mr. VAILLE (France) considered the amendment proposed by the Mexican representative to be adequate.

The Mexican amendment was unanimously adopted.

Mr. UMARI (Iraq) said that he had not objected to article III because the majority of representatives appeared to desire its retention in the Final Act. However, he personally considered the article to be superfluous.

Article IV

Mr. KRISHNAMOORTHY (India) observed that the Main Committee, at India's suggestion had decided that a standard of consistence for opium indicating its moisture content should be contained in the Protocol. The matter had been left to the Drafting Committee which had subsequently taken the view that the Final Act was the appropriate place for such a provision.

Article IV was unanimously adopted.

Article V

Mr. VAILLE (France) proposed that article V should be amended to read as follows:

"Declares that the terms 'narcotic substances', 'narcotic drugs', 'narcotic alkaloids' and other similar expressions used in the Protocol shall denote the 'drugs' derived from opium which come within the provisions

of the 1931 Convention." (E/CONF.14/L.56).

Article V, as amended, was adopted by 21 votes to none, with 3 abstentions.

Article VI

Mr. NIKOLIC (Yugoslavia) considered it unfortunate that it had been found necessary to include in the Final Act a clause explaining the interpretation of the English word "cultivate". A more suitable word might be found which included the meaning of the term "grow".

Mr. TENNYSON (United States of America) observed that the article in question had been inserted in the Final Act at the suggestion of his delegation and that it had been adopted by the Main Committee. The fact of the matter was that in the English language the terms "cultivate" and "grow" had different meanings.

Mr. NIKOLIC (Yugoslavia) said that he would not press the matter.
Article VI was unanimously adopted.

Article VII

Article VII was adopted without discussion.

Article VIII

Article VIII was adopted without discussion.

Article IX

Mr. VAILLE (France) expressed a personal objection to the adoption of article IX because he felt that the definition of quasi-medical purposes given in that article was not in accordance with scientific truth. He would not, however, vote against the adoption of the article.

Mr. KRISHNAMOORTHY (India) pointed out that the definition given had been based on the observations of Mr. May of the Permanent Central Opium Board

and that he himself was prepared to support it. He thought that the Conference should adopt the article.

Article IX was adopted.

Article X

Article X was adopted without discussion.

Article XI

Article XI was adopted without discussion.

Article XII

Article XII was adopted without discussion.

Article XIII

Mr. WALKER (United Kingdom) was not opposed to the idea of the value of model codes, but wished to point out that the protocol was an interim instrument the provisions of which would later be embodied in the single convention. A model code would eventually be drawn up for that convention and he felt that it would be better to allow the Commission on Narcotic Drugs to proceed as rapidly as possible with drafting the single convention.

Mr. NIKOLIC (Yugoslavia) expressed his agreement with the United Kingdom representative.

Mr. VAILLE (France) thought, on the contrary, that the preparation of a model code would be of assistance to the Commission on Narcotic Drugs and that the article should be retained.

Mr. OR (Turkey) agreed with the representative of France.

Mr. HSIA (China) saw the point of the United Kingdom representative's comment, but felt that similar considerations applied to many parts of the protocol. He was accordingly in favour of retaining article XIII.

Article XIII was adopted.

Article XIV

Mr. NIKOLIC (Yugoslavia) explained that article XIV had been included in order to clear up certain doubts as to the definition of galenical preparations. He himself did not consider the article sufficiently clear and doubted its value, feeling that its application might lead to complications.

Mr. OR (Turkey) recalled that the definition of galenical preparations had been the subject of lengthy debates. The definition of those preparations did indeed present difficulties. Article XIV was based on sub-paragraph 1 (a) (iii) of article 8 of the draft protocol. If the word "narcotic" were deleted in that sub-paragraph, then the two texts together would be sufficiently clear. Otherwise article XIV would lose its value. He thought that the first paragraph of article XIV should be retained.

Mr. VAILLE (France) recalled the comments which he had made in the Main Committee concerning opium preparations. He thought that article XIV was clear enough as it stood. If exhaustive definitions were required, the article might be extended to several pages, but a pharmacopoeia could provide such definitions. The article was intended merely to provide a few examples. He did not foresee that its application would lead to complications.

Mr. WALKER (United Kingdom) thought that the representatives of France, Germany and China were fully competent to guide the Conference on the subject under discussion. With reference to the phrase concerning the amounts of opium used in the preparation of galenical preparations, he thought that it had already been agreed that it would be impossible to obtain such statistics. As a matter of style, he thought that the word "statistics" would be preferable to the phrase "statistical accounts".

Mr. VAILLE (France) pointed out that article 8, sub-paragraph 1 (a) (ii) of the draft protocol referred to the amount of opium delivered for retail trade or to be dispensed or administered by hospitals, which was to be considered as having been consumed. The intention was to prevent any leakage, however small,

under sub-paragraph (a) (iii). He agreed with the representative of Turkey that it would be desirable to delete the word "narcotic" from the phrase "narcotic alkaloids" in article 8 sub-paragraph (a) (iii).

Mr. WALKER (United Kingdom) thought that the somewhat extended length of the Final Act might give a misleading impression of its importance.

Mr. van MUYDEN (Switzerland) wondered if the definition of galenical preparations might be made clearer by inclusion of a reference to the pharmacopoeia published by the World Health Organization.

The PRESIDENT said that he understood the definitions in the World Health Organization pharmacopoeia were not very clear and thought that the article was perhaps better left in its present form.

Mr. OR (Turkey) thought that the World Health Organization was to publish later fuller explanations of the definitions in its pharmacopoeia. He was in favour of leaving the text of article XIV as it was.

Mr. KRISHNAMOORTHY (India) agreed with the representative of the United Kingdom that the word "statistics" was preferable to the phrase "statistical accounts". He thought that if the second paragraph of article XIV were taken in the light of article 8, paragraph 1, sub-paragraphs (a) (ii) and (iii), there should be no difficulty. Opium used in the preparation of galenical preparations would not be included in the amounts issued to retail vendors. He thought that the whole subject had been fully covered.

Mr. VAILLE (France) thought that the article in its present form was quite in order and that the objection raised by the United Kingdom representative would apply only if the last sentence were deleted, which would rob the article of its meaning. He assured the Conference that the nature of galenical preparations was quite clearly understood in France.

Article XIV was adopted.

Article XV

Mr. WALKER (United Kingdom) requested that a vote should be taken of article XV as it referred to certain consequences of provisions in the Protocol which his Government viewed with grave misgivings.

Article XV was adopted by 22 votes to none, with 1 abstention.

Article XVI (E/CONF.14/L.55/Add.1)

Mr. VAILLE (France) expressed a desire to hear the opinion of the representative of the Permanent Central Opium Board on the draft article XVI.

Mr. MAY (Permanent Central Opium Board) said that he saw no objection to the inclusion of article XVI in the Final Act. He considered it important to establish the principle that visits made by representatives of the Board in connexion with such matters as elucidation of statistics or consideration of methods of furnishing those statistics should not be considered as local inquiries. He thought, however, that the article should not become the last article of the Final Act.

Mr. KRISHNAMOORTHY (India) thought that the articles of the Final Act should be rearranged in such a manner as to ensure that they appeared in the same order as the articles of the draft protocol to which they referred.

The PRESIDENT said that the Secretariat would be asked to rearrange the articles of the Final Act in the order suggested.

Article XVI was adopted.

The PRESIDENT announced that a vote on the Final Act as a whole would be taken when the Conference had approved the draft protocol.

The meeting rose at 4.45 p.m.

26/6 a.m.