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SUMMARY RECORD OF THE ELEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 18 June 1953, at 4.30 p.m.

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Executive Secretary: Mr. YATES

Administrative Secretary: Mr. PASTUHOV

ADOPTION OF THE FINAL REPORT OF THE CREDENTIALS COMMITTEE (E/CONF.14/L.87)

Mr. JOUBLANC-RIVAS (Mexico), Chairman of the Credentials Committee, said that the Committee had examined the credentials or written communications which had been received by the Secretary-General since its second meeting. It had considered a telegram which the Secretary-General had received from the permanent representative of Haiti to the United Nations stating that he had not as yet received his credentials to the United Nations Opium Conference but that, as permanent representative to the United Nations, he had attended the early meetings of the conference as an observer. The Committee had decided that he should be included among the delegates authorized to sign the Final Act of the Conference on behalf of their Governments. In that connexion, the representative of Liechtenstein had inadvertently been omitted from the list of delegates of States authorized to sign the Final Act and should therefore be included. Also by inadvertence, the name of the Dominican Republic did not appear in the list of representatives of States duly accredited to sign the Protocol.

Finally, the President of the Council of Ministers of Laos had notified the Secretary-General that the Laotian delegation would be unable to reach New York before the end of the Conference. Laos had not, therefore, been included in the list of States whose representatives had been duly accredited to sign the Protocol.

The final report of the Credentials Committee, as amended, was adopted.

Mr. WALKER (United Kingdom) said that if the report of the Credentials Committee had been put to the vote his delegation would have voted for it, but with the following explanation. As it had frequently stated on previous occasions, it considered that any vote on the question of Chinese representation would be premature in present conditions and should therefore be postponed. The United Kingdom delegation observed, however, that the Credentials Committee had decided that the credentials of the Chinese Nationalist representative were in order and had formally embodied that decision in its report. As representing a Government which recognized the Central People's Government of the People's Republic of

China as the Government of China, the United Kingdom delegation felt that it should place on record that in voting for the adoption of the Credential Committee's report it had done so solely on the ground that the credentials concerned, considered as a document, were in order, and that it reserved its position with regard to the right of the Chinese Nationalist authorities to issue a document appointing representatives in the name of China.

Mr. ANSLINGER (United States of America) said that his delegation fully approved the Credential Committee's report, with China as one of the States duly accredited to sign the protocol.

ADOPTION OF THE DRAFT PROTOCOL FOR LIMITING AND REGULATING THE CULTIVATION OF THE POPPY PLANT, THE PRODUCTION OF, INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM (E/CONF.14/17)

The PRESIDENT invited the Conference to vote on the draft protocol.

The draft protocol was adopted by 27 votes to none, with 2 abstentions.

Mr. WOULBROUN (Belgium) said that, in the absence of instructions from the Belgian Government concerning articles 20 and 25, the Belgian delegation had abstained from voting on the draft Protocol as a whole. That did not mean that Belgium, which was a party to earlier conventions on narcotic drugs, did not intend to accede to the Protocol, nor should it be construed as prejudging the Belgian Government's position either for or against accession.

U BA MAUNG (Burma) said that he had abstained primarily because he had not received full instructions from his Government. Where possible, however, he had voted with the majority.

Burma's position with regard to the question before the Conference had been made known in its annual reports submitted under the 1931 Convention. It was neither an opium-producing nor a drug-manufacturing country. The policy of the Burmese Government had consistently been one of gradual suppression and total prohibition of opium-smoking and opium-eating and of limiting the use of opium to scientific and medical needs. As the principles embodied in the Protocol were generally consistent with the present policy of the Burmese Government, the Burmese delegation had not seen any reason to object to it.

While Burma did not produce opium, poppy cultivation on an extensive scale was being carried on either clandestinely or with permission in some parts of the constituent States, particularly Shan and Kachin, which had common frontiers with China, Indo-China and Thailand. In those areas, which were still not properly administered and where control was lax, the hill tribes had found it economically necessary to cultivate the poppy both for their own consumption and in order to strike a favourable balance in the barter trade in which they were traditionally engaged. As the poppy was a cash crop in those areas, the prohibition of poppy cultivation had been and continued to be a difficult problem. In view of their physical contiguity with neighbouring countries, any attempt to limit the production of opium to the quantity required for medical and quasi-medical purposes would be futile so long as poppy cultivation existed without restriction across Burma's borders.

One of the problems in Burma was the fact that tens of thousands of consumers of opium made use of the drug for non-medical or quasi-medical purposes. The Government's policy of restricting the use of the drug to medical and scientific needs was therefore meant to include the continued use of opium by addicts who, while under treatment in the clinic set up to prevent addiction to the drug, were permitted as part of their treatment to consume opium in strictly rationed doses prescribed by the medical authorities. The doses were gradually reduced until the patient had been cured of addiction to the drug.

The Burmese Government had established an Opium Enquiry Committee to study the problem and to make recommendations. The Committee had completed its task and had presented a report containing the following general recommendations:

1. opium should be declared a deleterious drug and its use restricted to medical and scientific purposes. Its sale for profit by any government agency should be strictly prohibited except in cases where immediate prohibition might affect the mining, forestry and fishing industries;

2. in areas where hospitals and dispensaries were in operation, clinics should be established in which addicts would be treated either medically or by progressive reduction of opium doses in order to eradicate addiction completely within a period of five years;

3. with a view to the treatment of opium addicts, legislation should be introduced immediately compelling all addicts to register and to undergo treatment. The consumption of opium should be declared a penal offence five years from the date of enactment of such legislation;

4. addicts certified as such by the medical authorities should be allowed to consume opium only in medical wards attached to clinics;

5. an agricultural survey of border areas should be carried out with a view to introducing other cash crops in areas in which illicit poppy cultivation was currently carried on. Following the introduction of suitable cash crops, illicit poppy cultivation should be progressively reduced.

Moreover, the Burmese Government had submitted to the Commission on Narcotic Drugs a proposal for the establishment of a United Nations committee to co-ordinate the efforts of certain Far Eastern governments to suppress poppy cultivation and opium smuggling. That proposal was still before the Commission. In addition, the following measures had been taken in Burma to suppress opium-smoking and to prevent illicit traffic in the drug:

1. enactment of the Opium Den Suppression Act of 1950. While applied for the time being to Rangoon only, its extension to other areas was under active consideration. The delay was due, inter alia, to difficulties in securing space for clinical wards for the treatment of addicts and to the acute shortage of medical officers;

2. discontinuance of the use of opium for religious and social purposes;

3. amendment of the opium laws to allow more severe punishment for illegal possession of the drug, with compulsory imprisonment of offenders. The amended legislation had come into force on 6 April 1949;

4. substantial strengthening of the staff engaged in prevention and detection for the particular purpose of checking and suppressing international smuggling of opium through Burma;

5. enactment of special laws providing for deportation of alien smugglers. That legislation had been enacted in February 1953.

The Burmese Government would study the Protocol and Final Act in conjunction with the report of the Opium Enquiry Committee.

ADOPTION OF THE FINAL ACT (E/CONF.14/L.55 and L.55/Add.2/Rev.1, L.72/Add.1 and 2, L.86)

The PRESIDENT drew the attention of the Conference to document E/CONF.14/L.55/Add.2/Rev.1, which contained an outline of the Final Act, including the list of States represented at the Conference.

He observed that article I of the Final Act would be amended in line with the proposal made by the Iranian representative and accepted by the Conference to increase the number of States which could accede to the Protocol. The new resolution contained in document E/CONF.14/L.72/Add.1 would also be added to the Final Act. A decision had not yet been taken on the amendment proposed by the Belgian delegation.

Mr. WOULBROUN (Belgium) said that his amendment (E/CONF.14/L.86) did not affect the substance of the Protocol and was consistent with similar texts in earlier conventions.

Mr. CONTINI (Secretariat) pointed out that the signing of the Final Act per se did not commit a government to become a party to the Protocol and had no effect on its legal position in that respect.

Mr. NIKOLIC (Yugoslavia) considered the amendment unnecessary. Obviously the obligations under the Protocol would not be binding upon a State until it had ratified the instrument.

Mr. VAILLE (France) said that, in view of the Secretariat's explanation, he would vote for the Belgian amendment.

The Belgian amendment was adopted by 18 votes to 2, with 9 abstentions.

Mr. QUINTERO (Philippines) said that he had voted against the amendment because signature of the Final Act had no binding effect in respect of the Protocol itself.

Mr. NIKOLIC (Yugoslavia) explained that he had abstained because he considered the amendment meaningless.

The Final Act, as amended, was adopted by 28 votes to none, with one abstention.

STATEMENT BY THE PRESIDENT

The PRESIDENT was gratified to note that the success of the Conference had been due largely to the inter-change of knowledge and experience among the experts and diplomats represented. The contribution of the latter could be seen from the fact that politics, properly understood, provided insight into social and moral questions and made possible a fuller understanding of technical problems in their broader context. There had been little political argument in the Conference: difficulties had been approached in a matter-of-fact spirit, arising from a growing measure of goodwill, and had been resolved by compromise, to the lasting credit of all the participants. The producing, manufacturing and consuming countries had reconciled their differences on such thorny questions as that of poppy straw with no ill-feeling and the votes had reflected the large measure of agreement reached. It was not insignificant that both the Protocol and the Final Act had been adopted without a dissenting vote.

The Protocol, when ratified by the requisite number of countries, would be the first international treaty to limit the production of opium. Article 2, which bound the Parties to limit the use of opium exclusively to medical and scientific needs, represented the culmination of forty-four years of international efforts initiated at the Shanghai Conference of 1909. On the premise that all international control rested, in the final analysis, on national control, the Protocol strengthened national control systems, particularly in the producing countries. It imposed greater responsibility on such international bodies as the Permanent Central Board, the Supervisory Body, the United Nations and the International Court of Justice, whose President had accepted the duty of appointing an Appeals Committee to rule on appeals against a mandatory embargo. Such an embargo on the import or export of opium would be the supreme penalty in extreme cases where lesser measures to enforce the Protocol had failed, although it was hoped that there would be no need to resort to sanctions against any Party. Another outstanding feature of the Protocol was its provision for local inquiries by the Permanent Central Board; it would be the first time that such a step had been included among the measures to enforce international instruments dealing with narcotic drugs. Finally, the Protocol provided an extensive and rather complicated international machinery for obtaining necessary statistics and estimates, and for instituting appeals against the Board's decisions.

Admittedly, the Protocol represented a "stop-gap" measure; it was to operate during the interim period until the completion of a single convention for the control of all narcotic drugs, which would supersede all existing conventions. It should prove useful per se as an interim measure and it should contribute to the preparation of the single convention.

The Commission on Narcotic Drugs had been responsible for the basic preparatory work of the Conference. Special tribute was due to the representative of France for his part in drawing up the first text of the draft protocol. The patience, skill and tolerance of the representatives of the United Kingdom and the Philippines also merited high commendation, for the agreement they had reached on the controversial territorial application clause had been one of the triumphs of the Conference. The clause inserted in the

Protocol was unique in United Nations annals and might serve as a useful precedent in some wider context. The unanimity of the votes on the Protocol and the Final Act, the large number of representatives authorized to sign the Protocol and the considerable group of countries which had not been represented at the Conference but were reported to be willing to consider signing it gave further cause for optimism.

Although the achievements of the Conference had not been heralded by the press, the members could take a justifiable pride in the knowledge that, in adopting the Protocol, they had demonstrated the effectiveness of international co-operation in coping with a problem that had economic, moral, and therefore political, implications. The international system of control provided by the Protocol consisted essentially of measures ensuring international supervision of national control procedures. It could, if properly applied, bring about a drastic change in the world's use of opium, especially in the Far East. Yet that change could not take place without the full support of international opinion and of public opinion within each country. The guidance, action and publicity provided by the Permanent Central Board, the Supervisory Body, and the United Nations Narcotics Commission would greatly influence that body of opinion.

The unremitting struggle against the use of narcotic drugs for other than medical and scientific needs was comparable to a fight against a hydra-headed monster. As opium and its derivatives represented the most widely used drugs in the world for both medical and illicit purposes at the present time, the efforts to limit their production and use struck at the core of the problem. New and greater dangers, however, were visible on the horizon, in particular that of the increased use of synthetic drugs, perhaps even of synthetic opium, and of other products like Indian hemp. The only effective way to deal with those threats was by organizing and co-ordinating counter-measures on an international scale. It was to be hoped that the Protocol would furnish a constructive model for later efforts.

The President concluded his statement by expressing his most sincere thanks and congratulations to all the officers of the Conference, to the Chairmen of its Committees, to the representatives of the PCOB and the Supervisory Body, to the Secretariat and the staff of the technical services, and finally to all the participants in the Conference.

CONCLUDING REMARKS

Mr. KRISHNAMORTHY (India) commended all the participants in the Conference upon the completion of a Protocol, reflecting a wide measure of agreement, in record time. He expressed the hope that the new instrument would soon be accepted by the requisite number of countries so that it could enter into force and attract the accession of many States. It should constitute a major contribution to mitigating the illicit traffic in drugs and thus go far towards improving human welfare. He had been particularly impressed during the Conference by the constructive approach of the various representatives, who had frequently reached unanimity on difficult clauses despite constitutional limitations and had displayed goodwill and co-operation under the excellent leadership of the Conference's officers.

He associated his delegation in the tribute paid to the major architects of the Protocol and in the praise bestowed on the Secretariat and its auxiliary staff for their ability and devotion in a difficult task.

Mr. JOHNSON (Canada) conveyed his delegation's congratulations to all who had contributed to the success of the Conference. Its tangible results could be measured only by the steps taken by the Parties to implement the provisions of the Protocol for the benefit of all countries. The Protocol represented the widest measure of agreement obtainable in existing circumstances. While he could not say what final action would be taken by his Government respecting the new instrument, he assured the Conference that he would urge it to consider the Protocol sympathetically.

Mr. ARDAIAN (Iran) said that whatever benefits Iran, as a producing country, would eventually derive from the Protocol would be attributable to the positive and significant work accomplished by the members of the Conference in the common interest. Through mutual understanding resulting in mutual concessions, they had reached a high degree of unanimity on nearly all important clauses of the Protocol. He joined in praising the Conference officers, the Chairmen of the key Committees, the Secretariat and staff technicians for their valuable contribution to the success of the Conference.

Mr. MENESES PALLARES (Ecuador) congratulated the Conference members upon the excellent manner in which they had fulfilled their mandate. He was confident that the Protocol would contribute substantially in restricting the use of opium to medical and scientific needs, curbing illicit traffic and drug addiction and resolving the social problems they created. The Protocol was a major achievement in that it limited the international sources of opium to specific countries, defined maximum stocks for producing, manufacturing and consuming countries, strengthened national control by imposing a licensing system and clearly defined the PCOB's international supervisory functions, including the innovations of local inquiries and the mandatory embargo.

He emphasized the necessity for the Parties to adopt the appropriate legislation to make the Protocol genuinely effective. Ecuador had already begun to work towards that end. One of the decrees before its Congress, which was to meet in August 1953, stipulated that the Department of Public Health alone could authorize the cultivation of the poppy plant.

Mr. PHAM HUY TY (Vietnam) expressed gratification that his country had been able to make its views known on a problem of great concern to it and could now apply the provisions of the Protocol with full knowledge both of its letter and its spirit. Like its neighbours in the Far East, Vietnam had decided to fight the evils of opium, its illicit use and traffic, by every possible means and was therefore especially proud to have participated in the international venture represented by the Conference. Its objective was to root out all smugglers and abolish the centres attracting illicit trade.

He associated his delegation in praising all the countries that had participated in the Conference, as also its officers and its Secretariat.

Mr. USHIROKU (Japan) joined in the general congratulations. In order to dispel any misunderstanding of his country's position, he explained that he had been instructed by his Government to vote in favour of only that proposal or amendment which remained within the framework of the principles laid down in the original draft of the Protocol. Consequently, he had abstained on the two new principles, those of control of poppy straw and of territorial application, while fully appreciating the merits of those proposals and the goodwill which had prompted their authors and in spite of deep friendship which his delegation and Government entertained to the sponsoring and supporting countries of the proposals in question.

Mr. QUINTERO (Philippines) said that his delegation had felt some reluctance to sign the new Protocol, for fear that its provision for increasing still further the number of authorized producing and exporting countries would augment the already excessive supply of opium in the world and defeat the very objective of the Conference. It had decided to sign the Protocol in token of its desire for international co-operation as a Member of the United Nations and because it was convinced that the international control measures provided in that document would be more effective if the greatest possible number of States signified their accession. The Philippines delegation was fully aware that the Protocol constituted an interim measure pending completion of the single convention; the lessons learned from its implementation would prove instructive for the authors of that comprehensive instrument. That consideration, together with its confidence in the wisdom and experience of the numerous experts represented at the Conference, had determined its decision to sign the Protocol.

The agreement he had reached with the United Kingdom representative on the territorial application clause had been possible because the two countries sought the same objective. The question of government with the consent of the governed, that is, the principle of self-determination, had always been of paramount importance to the Philippines, a country which for years had not been master of its own destiny. Accordingly, he had fully appreciated the United Kingdom's insistence on securing the previous consent of its dependent territories, as well as its pledge of co-operation to curb illicit opium traffic in transit through its Far Eastern colonies. The guidance of the President had been instrumental in sealing the final agreement. To him and to the key figures in the Conference, as well as to the Secretariat, the Philippines offered its heartiest congratulations.

Mr. OR (Turkey) fully associated his delegation in the tributes to all the participants in the Conference. The Protocol represented a new international law to limit opium production in an effort to stop illicit traffic; yet it was doomed to remain ineffective unless it was supplemented by the efforts of national governments. In that connexion, he had just received news of legislation amending the Turkish Penal Law. According to a new Act passed by the Turkish Parliament, any persons organizing for the manufacture, export or import of

narcotic drugs or concluding an agreement to engage in illicit traffic in such drugs would be punishable by death. Doctors, nurses, chemists and veterinarians or other health officers engaging in such traffic were also liable to the death penalty. Persons engaging in the export, import or manufacture of cocaine, morphine or heroin would be sentenced to life imprisonment. The new Act was the severest measure taken by the Turkish Government against illicit traffic in drugs. It had been hailed by the Turkish press, which had congratulated the Government upon its realistic approach to the problem and had expressed the hope that it would be emulated in other countries. The Turkish National Assembly would doubtless enact additional legislation in pursuance of the newly-adopted Protocol.

Mr. SAMI (Egypt) recalled the major role played by his country in the struggle against illicit drug traffic and drug addiction, and announced that the new administration under General Naguib had amended the penal law on the subject, imposing the severest penalties on persons engaging in such traffic or in the illicit use of opium and other narcotic drugs.

Mr. VAILLE (France) expressed the deepest appreciation of the President's leadership and commended him upon his brilliant analysis of the Protocol. Moreover, he was greatly indebted to the United States representative for his advice and assistance in working out the original draft of the new instrument. It was a positive step in the fight against drug addiction and all who had worked towards the success of the Conference deserved the highest praise.

Mr. WALKER (United Kingdom) associated his delegation in the praise heaped upon all the participants in the Conference and paid special tribute to the President and to the representative of France. Praise was equally due to the Secretariat and technical staff.

Mr. RENBORG (Observer from Sweden) stressed that the results of the Conference would affect the future happiness of millions of human beings throughout the world. The final effect of the Protocol would depend upon the sense of

responsibility of the various governments. He hoped that the rapid accession of many countries would make it a living reality. A great debt was owed the Secretariat for the success of the Conference.

Mr. HSIA (China), Mr. DANNER (Federal Republic of Germany), Mr. CARAYANNIS (Greece), Mr. JOUBLANC-RIVAS (Mexico), Mr. JONKER (Netherlands), Mr. HAMDANI (Pakistan), Mr. de la PRESILLA (Spain), Mr. ANSLINGER (United States of America) and Mr. NIKOLIC (Yugoslavia) associated their delegations in the tribute paid to the officers of the Conference and the members of the Secretariat.

Mr. YATES (Executive Secretary) observed that, being relatively new in the field of narcotic drugs, he had leaned heavily on the skill and experience of his colleagues. In that connexion, he wished particularly to thank the officers of the Conference and the members of delegations for their indulgence and sympathy. On behalf of the Secretariat, he expressed appreciation for the tribute paid to its work. The Secretariat had particularly appreciated the assistance and guidance it had received from the Chairman of the Permanent Central Opium Board and the Vice-Chairman of the Supervisory Body.

The PRESIDENT thanked the representatives for their kind statements regarding his conduct of the business of the Conference.

He announced that the signature of the Protocol and the Final Act would take place at 11 a.m. on Tuesday, 23 June 1953, in the presence of the Secretary-General.

He declared the Conference closed.

The meeting rose at 7.20 p.m.

3/7 a.m.