

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
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ET SOCIAL**

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COMMISSION ON NARCOTIC DRUGS

**SPECIAL COMMITTEE APPOINTED TO STUDY THE QUESTION OF ESTABLISHING
A CONTROL OF NARCOTIC DRUGS IN JAPAN AND KOREA**

FIRST MEETING

Held at Lake Success, New York, on Thursday, 5 December 1946 at 2:30 p.m.

Present:

Acting Chairman:	Colonel C.H.L. Sharman	(Canada)
	Dr. Szeming Sze	(China)
	Mr. G. Bourgois	(France)
	Mr. H. Greenfield	(India)
	Mr. Delgorge	(Netherlands)
	Dr. S. Tubiasz	(Poland)
	Major W.H. Coles	(United Kingdom)
	Mr. J. Anslinger	(United States)
	Mr. V. Zuev	(Union of Soviet Socialist Republics)
	Mr. Herbert May	(President of the Permanent Central Opium Board and Member of the Supervisory Body.)
	Mr. M. Schréiber	(Legal Department of the United Nations)
	Mr. R.T. Huang	(Secretary of the Commission)

1. Election of Officers.

On the proposal of the United States representative, seconded by the representatives of France and the Netherlands, Major W.H. COLES (UNITED KINGDOM) was unanimously elected Chairman and took the chair.

The CHAIRMAN remarked that in view of the small number of Committee members, it would be unnecessary to appoint a Vice-Chairman. He asked the Committee to submit nominations for the office of Rapporteur.

On the proposal of the United States representative, seconded by the representatives of France and the Netherlands, Mr. H. GREENFIELD (INDIA) was unanimously elected Rapporteur.

/2. PROPOSAL

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2. Proposal and Draft Resolution submitted by the Delegation of China.

At the Chairman's request, Dr. Szeming SZE (CHINA) made a few observations on his proposal. He recalled that, as the United States representative had pointed out to the Commission, paragraphs 1, 3, 4, 5 and 6 made provision for measures which were virtually in force thanks to General MacArthur's initiative. As regards paragraph 2, providing for the establishment of a stock-pile of narcotic drugs, the Committee would certainly require the opinion of the Legal Department of the United Nations. The problem was to ascertain whether the United Nations were authorized by the Charter to assume the responsibilities entailed by the establishment of such stock-pile. It had to be determined, moreover, to what extent such action would contravene the international conventions by which the Japanese Government was bound before the war. The position of ex-enemy countries in relation to the conventions to which they were parties had to be ascertained. The Delegation of China considered that Japan had violated these conventions. Lastly, the administrative and budgetary aspect of the question must not be forgotten: it seemed that it was for the United Nations themselves to decide whether they would undertake the establishment of such a stock-pile.

With regard to paragraph 7, providing for supervision by United Nations inspectors, the question was whether it would be legal for this to be carried out by the Organization. The Delegation of China held the view that such supervision was necessary.

Mr. SCHREIBER (LEGAL DEPARTMENT OF THE UNITED NATIONS) replied briefly to the juridical questions asked by the Chinese representative. He stated that, in his opinion, nothing in the Charter precluded the United Nations from assuming functions of the nature provided for in paragraph 2 of the Proposal and from establishing the appropriate bodies. Action on the part of the General Assembly would be necessary if the United Nations was to accept financial responsibilities. The Commission on Narcotic Drugs should proceed through the normal channel of recommendations to the Economic and Social Council. Referring to a

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question put by Dr. SZE, Mr. SCHREIBER stated that supervision by inspectors appointed by the United Nations in Japan would be legally possible, provided, of course, that the authority exercising sovereignty over Japanese territory was in agreement.

The question of the validity of treaties between States at war was a most complex one. It was generally admitted that in such cases treaties were inoperative. It would be possible for the United Nations to advise the Powers which were about to conclude peace treaties to see that Japan's obligations under the conventions and agreements on narcotic drugs were reiterated, that her accession to the new Protocols and Conventions should be demanded and that, if necessary, new obligations should be imposed on her.

The representative of France having suggested a new wording of paragraph 2 which had led the representatives of The Netherlands and the United States to raise a number of objections, the CHAIRMAN, supported by Mr. Greenfield, remarked that, to expedite the Committee's work, it would be desirable to examine the proposal point by point, first getting rid of the least controversial subjects and going on to deal later with the more difficult questions.

With regard to paragraph 1, in reply to a proposal by Mr. GREENFIELD (INDIA) who suggested the wording "from which narcotic drugs are or can be manufactured", Mr. DEIGORGE (NETHERLANDS) observed that such a wording would go too far, and would lead for example to prohibiting the production of coaltar.

Dr. Szeming SZE (CHINA) recalled that his wording was similar to that of the conventions. These conventions contained definitions and nomenclatures which might perhaps be added to this proposal.

The CHAIRMAN briefly reminded the Committee that it had not to draw up an exact phraseology, but simply to express its views on the type of steps to be taken. It should merely be made clear to the experts who would draft the treaties of peace that the Committee's intention was to prohibit Japan to manufacture drugs and produce raw materials. The CHAIRMAN proposed the following text: "The production of raw materials for the purpose of manufacturing narcotics...."

DECISION: The Chairman's proposal was adopted.
Paragraph 1 was approved.

As regards paragraph 3, the CHAIRMAN proposed to postpone the discussion of the last six words of the paragraph pending a decision on paragraph 2.

Mr. MAY (PRESIDENT OF THE PERMANENT CENTRAL OPIUM BOARD) proposed a text to the effect that the importation of drugs "is permitted on condition that it does not exceed the total estimates... for medical and scientific purposes, and leaving out of account any estimate which may be made by the Japanese Government".

DECISION: Any amendment of the text was postponed pending a decision on paragraph 2.

As regards paragraph 4, Mr. ANSLINGER (UNITED STATES) proposed that the words "regular reports" should be replaced by the words "reports required by the Conventions".

Mr. MAY (PRESIDENT OF THE PERMANENT CENTRAL OPIUM BOARD) thought that it would perhaps be preferable to say that the Japanese Government would be bound by all the existing conventions, which already provided for regular reports. In reply to an observation by the Representative of China, who urged the retention of paragraph 4, Mr. MAY said that he had no objection to this paragraph being retained provided a place could be found for his proposal elsewhere.

Mr. GREENFIELD (INDIA) proposed the following text: "the distribution of narcotic drugs in Japan shall be strictly regulated and controlled by the Government of Japan, which shall be bound by the provisions of all present and future conventions, as amended and extended by the present provisions". The words "and future" took into account a suggestion made by Mr. Bourgois (France)

Dr. Szeming SZE (CHINA) said that he would accept the text proposed by Mr. May with the mention of future treaties as indicated by Mr. Bourgois. This text might be included in the proposal as paragraph 8.

The CHAIRMAN thought that it would be preferable to leave the drafting of this paragraph to the Rapporteur.

DECISION: The draft paragraph was adopted, together with the Chairman's proposal.

In reply to an observation by Mr. MAY, who suggested the addition to paragraph 6 of the words "and raw materials such as raw opium", Dr. Szeming SZE (CHINA) remarked that this question was closely bound up with that of stocks, for if Japan was not entitled to produce raw materials or to manufacture drugs, she could only draw on stocks.

Mr. DELGORGE (NETHERLANDS) thought it would be better to keep to the general term of "narcotic substances".

DECISION: It was left to the Rapporteur to make this amendment in the text.

As regards the reserve stocks referred to in paragraph 5, Mr. ANSLINGER (UNITED STATES) thought that it would be necessary to provide for a reserve stock of twenty-five per cent to avoid a shortage of narcotics in case of an epidemic.

Mr. BOURGOIS (FRANCE) asked that it should be stipulated that the reserve stock should be fixed by the Central Board or the Supervisory Body.

Mr. MAY (PRESIDENT OF THE PERMANENT CENTRAL OPIUM BOARD) supported the proposal that the stock should be equal to twenty-five per cent of the consumption of the previous year, as fixed by the Supervisory Body.

Dr. Szeming SZE (CHINA) thought that fifteen per cent would be sufficient, and remarked that this question was also bound up with that of the international stock. He urged that it would always be easy to draw this fifteen per cent from the stock, which would in any case be outside Japan.

The CHAIRMAN asked what would be the position of a hospital which always needed to keep at least one week's stock in reserve.

Dr. Szeming SZE (CHINA) remarked that this point would have to be settled by the Japanese governmental distributing body, and by the Supervisory Body which would check whether the hospital's requirements were normal. As regards epidemics, these were exceptional cases, and exceptional steps might be taken.

Mr. DELGORGE (NETHERLANDS) noted that the Conventions mentioned three categories of reserves: reserves for purposes of normal consumption, i.e. for medical use, reserves for the transformation of narcotics, and reserves for

export. He emphasized that the Committee only wished to abolish the last two categories and retain the first.

Mr. ZUEV (USSR) accepted the Chinese proposal in principle, but reserved his final opinion until he should have seen the definite English text of this proposal.

Dr. Szeming SZE (CHINA) accepted the interpretation of Mr. DELGORGE (NETHERLANDS) and the CHAIRMAN announced that the text of paragraph 5 would therefore read as follows: "The keeping of all government stocks of narcotic drugs in Japan shall be prohibited with the exception of the reserve estimated on the basis of normal consumption".

DECISION: This proposal was approved.

The continuation of the discussion was postponed to the following meeting.

The meeting rose at 5.00 p.m.
