

SUMMARY RECORD OF THE SECOND MEETING
OF THE DRAFTING COMMITTEE ON NARCOTIC DRUGS

Held at Lake Success, New York, on Wednesday 18 September 1946 at 2:45 p.m.

Present:

Chairman:	Sir Sidney Harris	(United Kingdom)
	Mr. S. Sze	(China)
	Mr. Pitlik	(Czechoslovakia)
	Mr. P. Perrier	(France)
	Mr. W. Patino	(Peru)
	Mr. H. McKinnon Wood	(United Kingdom)
	Mr. V. Kobushko	(Soviet Union)
	Mr. Burnett	(United States)
	Mr. O. Mulliken	
Also attended:	Colonel Sharman	(Canada)
	Mr. Herbert May	(President of the Permanent Central Opium Board)

The CHAIRMAN opened the discussion on the alternative draft proposed by the United Kingdom Delegation, (document E/116/Add.3), to the draft protocol prepared by the Secretariat (document E/116). There was no difference of principle between the two texts, but after careful examination of the existing Conventions and the draft protocol suggested by the Secretariat, the United Kingdom Delegation had come to the conclusion that it would be more satisfactory to table the amendments as an annex to the protocol. The amendments themselves were the same in both texts and he suggested that they might first be agreed upon. Discussion of the two alternative protocols might then be taken up and subsequently the Committee could consider the draft resolutions to be submitted to the Assembly and the Economic and Social Council.

The Committee agreed to this order of discussion, and proceeded to consider one by one, the amendments tabled in the Annex to the United Kingdom memorandum (E/116/Add.3, pages 7-11) and the additional amendments in document E/116/Add.4.

The CHAIRMAN suggested that item 1 concerning the International Opium Convention signed at The Hague on 23 January 1912 should be included in the protocol, as had been done in the Secretariat draft.

It was therefore agreed to postpone consideration of this item until the text of the protocol was under discussion.

The proposed amendments to item 2 (Agreement concerning prepared opium of 1925) were approved without discussion.

The amendments to item 3 (Convention relating to dangerous drugs of 1925) (document E/116/Add.3) were approved, after it had been agreed to add the phrase "wherever these words occur", after the words "Secretary-General of the League of Nations" in the second last paragraph.

As regards the additional amendment to Article 35 of the 1925 Convention (document E/116/Add.4, p.2) and other amendments where the same principle was involved, Mr. KOBUSHKO (SOVIET UNION) raised objections to the use of such phrases as "former members of the League of Nations" since this formula included Spain. He thought that a way out of the difficulty might be found by drawing up a list of countries to whom the protocol would be communicated and specifically omitting Spain, which should be excluded from participation in any of the activities of the United Nations.

Mr. MCKINNON WOOD (UNITED KINGDOM), while he sympathized with the attitude of the delegate for the Soviet Union, felt that the problem had three distinct aspects, only one of which concerned the Drafting Committee. The political aspect was not for this Committee to decide. The Drafting Committee was faced with a text which would long outlive the Franco regime and, from the legal aspect, he considered that it was the duty of its members to make only the minimum alterations to enable the existing Conventions to function under the new conditions brought about by the dissolution of the League of Nations.

Mr. SZE (CHINA) suggested that the objections of the delegate for the Soviet Union might be met by the substitution in Article 35 of the words "by any member of the United Nations or by any State to which the Economic and Social Council of the United Nations communicated a copy of the Convention for this purpose."

Mr. KOBUSHKO (SOVIET UNION) supported this proposal.

In the course of the discussion which ensued it was pointed out that the proposed formula, though it might provide a solution in the case of Article 35,

might not be appropriate to the other instances where the same principle was involved.

Mr. MAY (President of the Permanent Central Opium Board) pointed out the grave difficulties which had been experienced in the past when countries not parties to the International Conventions had engaged in considerable illicit traffic. If Spain were now to be excluded, there was, he believed, a serious possibility of that country becoming the centre of a large illicit traffic which would endanger all other countries.

Mr. KOBUSHKO (SOVIET UNION) felt that the United Nations could well find means of preventing such a state of affairs.

Mr. PITLIK (CZECHOSLOVAKIA) said that his country had recognized the Spanish Government in exile. It was therefore hard to see on what basis Czechoslovakia could co-operate with the present Madrid Government. The whole question was, however, one of policy which should be brought up in the Economic and Social Council.

After some further discussion, the Committee agreed to reserve the point in question in Article 35 and in any other Article where the same principle was involved, for discussion after the rest of the proposed amendments had been agreed upon.

Decision on paragraph 1 of item 4 concerning the International Convention of 13 July 1931 was consequently reserved.

The amendments to the first sub-paragraph of paragraph 6, Article 5, of the same convention were approved without discussion.

As regards the amendments to paragraph 7, Article 5, Mr. MAY (President of the Permanent Central Opium Board) proposed that the date by which the Supervisory Body must communicate to the countries concerned estimates for the following year, be amended to read 15 December rather than 1 November. Past experience had proved that the countries themselves rarely submitted their estimates by 1 August as laid down in the Convention and the time available to the Supervisory Body to examine these estimates and prepare its own statement was consequently inadequate.

The Committee agreed to amend the date to 15 December.

Paragraph 7 of Article 5 was then approved subject to further discussion of the reference to former Members of the League of Nations.

The proposed amendments to paragraphs 2, 3, 4 and 5, Article 11 were approved without discussion.

The amendments to paragraphs 6 and 7, Article 11 were approved with the addition of the words "of the League of Nations" after the words "Secretary-General".

The verbal changes proposed in Articles 14, 20, 21, 23, 26, 31, 32, 33 and 34 were approved after it had been agreed that the Secretariat would make sure that all the appropriate Articles were listed.

The remaining amendments proposed by the United Kingdom Delegation in the Annex to document E/116/Add.3 and document E/116/Add.4 were approved subject to further discussion of any references to the question of the participation of Spain.

The Committee then reverted to the discussion of the points which had been reserved.

Mr. SZE (CHINA) restated his proposal that reference to "former Members of the League of Nations" be omitted from the text of the Conventions and that the following phrase be introduced: "by any Member of the United Nations or by any State to which the Economic and Social Council of the United Nations communicated a copy of the Convention for this purpose".

The delegate for China felt that any further definition of the countries concerned did not come within the terms of reference of the Drafting Committee and should be left to the Economic and Social Council itself.

Mr. MCKINNON WOOD (UNITED KINGDOM) agreed that a political decision was involved. He considered that it was not for the Drafting Committee to exclude a country from participation in any Convention on the grounds that it disapproved of the Government of that country.

Mr. SZE (CHINA) said that the formula he had suggested left the Council free to decide at any given moment to include Spain.

After some further discussion, and in view of the desire of the Committee to find a formula which could be unanimously accepted, it was agreed to postpone a final decision until the Legal Adviser had had time to examine the legal implications of the amendment proposed by the delegate for China, with a view to ensuring that it could be adopted in all cases where the same principle was involved.

The meeting rose at 4:50 p.m.
