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Held at Headquarters, New York,  
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PRESENT:

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<u>Executive Secretary:</u>	Mr. YATES	
<u>Administrative Secretary:</u>	Mr. PASTULOV	

CONSIDERATION OF THE DRAFT PROTOCOL FOR REGULATING THE PRODUCTION OF,  
INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM (E/2186, E/CONF.14/L.13)

The PRESIDENT declared the general debate open.

Mr. KRISHNAMCORTHY (India) said that in general the Indian Government agreed wholeheartedly with the purpose of the draft protocol and with the terms in which it was couched. It expressed its agreement so unequivocally because since 1911 its opium policy had been based on the earnest desire to implement international decisions in respect of the control of narcotic drugs both in the letter and in the spirit. Its practices at the earliest stage had conformed rigidly to and in many respects had even gone beyond the requirements of the International Opium Convention signed at The Hague in 1912. It had discontinued its China trade and had even cut down Indian exports to meet the legitimate demands of other markets, so that its average net annual receipts from opium had fallen from eight million rupees in the 1910-1913 period to rupees 1.8 million in the 1920-1923 period, and its exports from 42,643 chests in 1910-1913 to 8,814 chests in 1920-1923.

The question of confining opium production to strictly medical and scientific requirements had raised a number of problems for India. Opium was widely used by the poorer classes as a treasured household medicine and for India to have made an attempt to confine the use of opium to strictly medical needs vouched for by medical practitioners would in the circumstances have been both inhuman and inexpedient.

Those considerations had rendered it inevitable that India should have found difficult to accept the proposal made by the United States at the fifth session of the Opium Advisory Committee in May-June 1923, with special reference to opium-smoking in the Far East, which required the use of opium products for other than medical and scientific purposes to be recognized as constituting abuse, and which called for the control of raw opium production so as to make none available for non-medicinal and non-scientific purposes.

India had adopted a consistently practical policy, adapted to changing circumstances. Even though opium-smoking had never been a problem in India,

the Government had adhered to the policy of total prohibition announced by the Governments of France, the Netherlands and the United Kingdom following the liberation of their Far Eastern territories under Japanese occupation and that policy had been formally set out in a Government Resolution in 1946. In 1948, the Indian Government re-inforced that policy by making a declaration in the Constituent Assembly that they had adopted prohibition of opium production except for medical and scientific use as their policy, and would endeavour to give effect to that policy at the earliest possible date compatible with effectiveness. A directive had subsequently been issued that the State Government should reduce their opium requirements for quasi-medical purposes by 10 per cent annually beginning in 1949. By 1959 that directive would have been fully carried out.

As a result of the various measures which the Government had adopted, India's present position with regard to opium production was as follows:

1. It had adopted the necessary legislation to implement the conventions of 1925, 1931, 1946 and 1948;
2. It did not export opium or manufactured drugs except under the import-export certificate system;
3. It did not export opium for non-medical and non-scientific purposes, nor did it supply opium to countries in which opium-smoking had not been prohibited or restricted by law;
4. Its exports for quasi-medical purposes did not exceed 20 tons a year of which 18 tons were supplied to Pakistan, which had been part of India in 1947 and had had no opium cultivation of its own;
5. Its production was strictly limited, each year, to domestic requirements and to exports for medical, scientific and quasi-medical purposes.

Moreover, India had a system of national monopoly which, for comprehensiveness, effectiveness of control and smoothness of operation, had been acknowledged in international circles to be a model.

India would in due course suggest several minor amendments to the draft protocol. While it agreed in general with the text in its present form, it reserved the right to reconsider its position should criticism by other States result in the adoption of material amendments.

Mr. HSIA (China) observed that the Chinese Government had been closely associated with the work of international opium conferences since 1909 when the International Opium Commission had met in Shanghai and had adopted nine resolutions, five of which had dealt with the opium situation in China. It could thus be seen that China had a special and lasting interest in the production of, traffic in and use of opium as a matter of international responsibility. Moreover, the present conference was being held as a result of the adoption by the Economic and Social Council of its resolution 159 E (VII), based on a proposal submitted by the Chinese delegation. Under that resolution, the Secretary-General was requested to initiate studies and inquiries on the desirability of convening a conference of the opium-producing countries and of countries using opium in the manufacture of drugs for medical and scientific needs for the purpose of reaching an interim commodity agreement limiting the production and export of opium to those needs, pending the adoption of an international convention on limitation of raw materials used in the manufacture of narcotic drugs. At the time, the Chinese delegation had called the attention of the Commission on Narcotic Drugs to the urgency of taking a forward step in the limitation of opium production. Two years later that Commission had unfortunately reached an impasse.

He noted the conclusion reached by the Commission on Narcotic Drugs at its sixth session that conditions rendered impossible further immediate progress with the proposed interim agreement and the establishment of an international opium monopoly within the framework of such an agreement. The Commission had turned its attention to other possible ways of limiting opium production and had examined both a French proposal for the adoption of the 1931 Convention and a draft protocol submitted by the representative of France. The most practical form of international control had appeared to be the limitation of stocks, and section 3 of the draft protocol before the current Opium Conference, entitled "Maximum Stocks" contained some of the key provisions of the entire draft protocol. The Economic and Social Council in its report to the sixth session of the General Assembly had given a clear and concise description of the situation. Mr. Hsia briefly reviewed the history of the use of prepared opium in China, which he felt would help to explain China's special interest in the matter and the stand which

it had taken consistently at successive opium conferences. The habit of opium smoking had originally been introduced into China from abroad and as early as 1796 it had been found necessary to issue a prohibitory edict. In 1858 the Chinese Government had been obliged reluctantly to abandon its endeavour to exclude the drug from the country. In 1906 the habit of opium smoking had become so widespread that the Chinese Government had considered its suppression a matter of urgency. By 1917 China had been able substantially to free itself from the scourge, production of the drug in the country had practically ceased and there was no longer any obligation to import opium. The example of China had prompted the United States to take the initiative in calling the International Opium Conference of 1909, the first sign that the traffic in and use of opium had been recognized as a matter of international concern. The Hague International Opium Convention, adopted in 1912, was an instrument of the greatest importance and had provided a foundation for subsequent international legislation relating to narcotics. The United States Government had rendered a great service to the world, not only by its initiative in calling the Conference but also by the useful memorandum which it had sent out concerning the topics to be considered by that Conference. The Hague International Opium Convention, however, had been obliged in certain cases to accept the second best and to take refuge in compromises. The United Nations Opium Conference had been convened with the purpose of remedying some of the deficiencies in that Convention and completing some of the tasks left unfinished by the first Hague Conference. He hoped that representatives would not fall into the same errors and temptations. Compromises or half measures would mean that the Conference had failed in its purpose.

As an instance of what he considered an undesirable compromise, he referred to the phrase "effective laws" in article I of the Hague Convention. That had presumably been designed to cover point (a) in the list of topics for discussion by the Hague Conference which had referred to the "advisability of uniform laws". The Convention had merely referred to effective laws and it was questionable whether the contracting powers had actually laid down effective laws in pursuance of the article. If all the contracting powers had carried out their obligations in that respect, the United Nations Opium Conference and the proposed protocol before it would hardly have been necessary. He also expressed the

dissatisfaction of his Government with Chapter II, dealing with prepared opium. It was primarily directed to the governments of colonial powers with possessions in the Far East, which continued in most cases to legalize the smoking of opium, a practice forbidden by law in China. The failure of those governments to observe their obligations under Chapter II had necessitated the convening of the First Geneva Opium Conference in 1923. The indecisive wording of Chapter II, article 7, which referred to the prohibition of the export of prepared opium "as soon as possible" had left a loophole which the United Nations Conference must seek to close. Chapter III, article 11, referred to the prohibition of delivery of morphine, cocaine and their respective salts to unauthorized persons, but articles 10, 12 and 13 weakened that obligation by the qualifying statement that the powers should "use their best endeavours". He had introduced these details to make clear the dangers against which the Conference must constantly be on guard and also to explain the position consistently taken up by his own Government.

He recalled that China had participated in the Geneva Opium Conferences in both 1924 and 1925 but had felt obliged to withdraw from those conferences before their conclusion. He quoted from the letters of withdrawal sent in by the chief delegate of China to the 1924 Conference, and by the United States and Chinese delegations to the 1925 Geneva Conference making it clear that the withdrawal of those delegations had been due to their realization that the conferences would fail to achieve the end for which they had been convened.

His delegation's attitude to the draft protocol before the United Nations Opium Conference was accurately expressed in the 1951 and 1952 reports of the Economic and Social Council to the General Assembly. His Government had submitted fairly detailed observations on the subject of the draft protocol, which appeared in document E/2186, pp. 16-23. The position of his delegation towards the draft protocol was, that there were two matters of major importance, namely, to determine whether the system proposed in the draft protocol was an adequate substitute for an international opium monopoly, which was generally agreed to be the best and most effective solution to the problem, and to ascertain whether the draft protocol would be an instrument of sufficient strength to withstand various kinds of pressure and to ensure proper punishment

of violators of its provisions. If no measures of international inspection, the method in which the Chinese delegation most strongly believed, were included, that delegation would pay particular attention to the efficacy of the enforcement measures prescribed.

In conclusion he expressed the fervent hopes of both his Government and people that the Conference might find a solution to a problem which had been a matter of the deepest concern to China for a hundred years. The task before the Conference was difficult and complex, and any measure of success achieved would require goodwill, co-operation and unselfish devotion. He pledged all the efforts of his delegation to assist the Conference in achieving a successful outcome.

Mr. KYROU (Greece) expressed his Government's satisfaction at participating in a conference on a problem which the Secretary-General had so rightly described as economic, social and humanitarian. Greece had studied the problem with care, and he stated that on the whole his country found the protocol acceptable. Some improvements in the text would, of course, be called for. He referred in particular to the third general principle of the protocol, which both his own and other governments agreed in considering as constituting a monopoly in itself, and running counter to the free order system laid down in the 1931 Convention. He reserved the right to propose changes in that provision at the appropriate time.

Mr. van MUYDEN (Switzerland) expressed his gratitude to the Economic and Social Council and the Secretary-General of the United Nations for the invitation to Switzerland to participate in the United Nations Opium Conference. Switzerland's participation was a result of its deep concern for the international control of narcotic drugs. The country had been active in that connexion since 1925. It had ratified the Conventions of 1912, 1925, and 1931 and in 1952 had ratified the International Convention of 26 June 1936. That convention had been in force in Switzerland since 31 March 1953. On 18 March 1953 it had acceded to the Protocol of 19 November 1948. In 1947 it had signed the 1946 Protocol amending the Conventions in force under the League of Nations.

Subsequently, however, in 1952, for constitutional reasons the Federal Chambers had had to ratify the 1946 protocol.

In conformity with the obligations assumed by the Swiss Government under the international conventions and protocols, Switzerland had revised the Federal law on narcotics, the new text of which had come into force on 1 June 1952. The Government of the Principality of Liechtenstein had also decided to enforce that law and the regulations for its implementation in that territory.

In view of the fact that an account of the new legislation had been published in the Summary of Annual Reports from Governments for 1951, he did not wish to refer to it further, but he stressed the fact that three important changes had been made to previous legislation. First, the products listed in the 1948 protocol were henceforward to be submitted both in Switzerland and in the Principality of Liechtenstein to the control instituted in respect of narcotic drugs. Second, products the chemical composition of which made it appear probable that their effects would be similar to those of narcotic drugs were, as a measure of precaution, subjected to official control until their true properties were ascertained. That measure had been instituted by the Governments of the Principality of Liechtenstein and of Switzerland in compliance with the Economic and Social Council resolution of 27 May 1952. Third, the new legislation provided for the establishment, as required by the 1936 Convention, of a central office responsible for repressing the illicit traffic in narcotic drugs. That office was attached to the Public Prosecutor's Office and maintained close liaison with the permanent Secretariat of the International Criminal Police Commission in Paris. Another important point in the new law was the total prohibition of the import and production of, and trade in, diacetylmorphine.

He felt that his statement must have made clear the intention of Liechtenstein and Switzerland to honour their international obligations in respect of narcotic drugs. Switzerland had also taken part in the discussions on the preparation of the convention on the limitation of the production of opium. On that occasion, his country had announced its support for all efforts in that direction, but had stated its opposition to the creation of an international opium monopoly and its preference for a convention based on the principles of the



1931 Convention. The Governments of both Switzerland and the Principality of Liechtenstein had therefore welcomed the proposal for a protocol on the limitation of opium production. Switzerland's comments on the protocol were contained in document E/2186, and he reserved the right to supplement those comments at the appropriate time. For the time being, he would confine himself to matters of primary importance and explain that Switzerland's objection to an international opium monopoly was based on its view that the implementation of such a project would entail too many practical difficulties. Since the existing Conventions on narcotic drugs had come into force, however, it had become apparent that they failed to cover certain points, and furthermore, that the conditions which they were designed to meet were constantly changing. The quantities of opium involved in the illicit traffic had increased considerably in the past two years, and Switzerland therefore considered that the draft protocol before the United Nations Opium Conference should be so drafted as to be a still more effective instrument of control. His delegation would accordingly propose certain amendments to the text before the Conference when it came up for discussion. These amendments would refer to the formulation of certain definitions and the statement of the bases of some of the measures of control. As a general suggestion he considered whether it would not be helpful if the protocol, particularly those sections relating to sanctions and measures of control, were to be considered, in the light of the principles tentatively established by the Commission on Narcotic Drugs when examining the draft single convention.

Mr. MENESES PALLARES (Ecuador) said that his Government was glad to take part in a Conference which was a manifestation of the common effort of the peoples, meeting under the aegis of the United Nations, to solve their social, economic, cultural and political problems. Hence, although the question of opium did not directly concern some of the countries represented at the Conference, the presence of their representatives showed their desire to co-operate in solving a problem which affected the international community. Ecuador was one of those countries; it did not produce opium and the import and use of the drug, in the form of pharmaceutical preparations, was strictly controlled in accordance with the relevant international conventions.

The draft protocol, even in its imperfect form, had the great merit of providing a system for determining the world's legitimate opium needs each year, thus permitting the regulation and limitation of opium stocks, and of authorizing

the Permanent Central Opium Board to institute sanctions for violation of the protocol. These provisions should go far towards preventing the overproduction of opium and suppressing illicit traffic in the drug.

He reserved the opinion of his Government with respect to the international instrument which would ultimately emerge from the Conference's deliberations.

Mr. ANSLINGER (United States of America) expressed appreciation for the tribute paid by the Chinese representative to his country's efforts to control illicit traffic in opium.

United States policy had been set forth in a joint resolution of the United States Congress approved on 1 July 1944. It was directed towards persuading all poppy-growing nations to enter into an international agreement to restrict opium production to medical and scientific needs. While the 1931 Convention had represented a very constructive step towards drug suppression and the international control system already set in motion had proved surprisingly effective, the United States continued to hold the view that only by restricting poppy cultivation to medical needs could the world narcotics problem be resolved.

The participation of many nations in the successive drug conferences since 1909 had demonstrated their anxiety to eradicate the evil of drug addiction through international co-operation. Such co-operation was the only effective means of suppressing that evil, for it was essentially international in its moral, humanitarian, economic and social implications. Those nations genuinely interested in protecting one another from the nefarious consequences of the overproduction of opium must be willing to work out a solution. For its part, the United States was prepared to co-operate to the utmost in achieving that end.

The opium-producing, manufacturing and consuming countries of the world must adopt an international protocol to regulate the production and distribution of opium. Countries with a surplus of opium, over and above medical needs, must join them in a world-wide concerted effort to suppress illicit traffic in narcotics. The United Nations was offered an ideal opportunity to bring about a signal humanitarian achievement by solving that phase of the opium problem.

In order to facilitate the work of the Conference, he introduced a draft resolution (E/CONF.14/L.3) sponsored jointly by his Government, France, Mexico, Turkey and the United Kingdom, and strongly commended it for adoption.

Mr. VAILLE (France) emphasized the urgency of instituting effective international measures to control illicit traffic in narcotic drugs. In addition to the alarming increase in world traffic, marihuana addiction was spreading in many countries and the production of synthetic narcotic drugs had given rise to new dangers. The latter question must be dealt with expeditiously and appropriate improvements made in the 1948 protocol.

Unfortunately, the Narcotics Commission had failed to achieve what France had considered to be the most effective solution of the opium traffic problem: an international opium monopoly. The prevailing overproduction of opium could be seen from the fact that while two thousand tons of opium were produced annually, only about 500 tons were used for legitimate purposes. The draft protocol was intended to correct such a disproportion.

Although France considered the text of the draft protocol far from perfect and found certain of its provisions, such as that concerning the system of inspection, highly inadequate, it was determined to respect the decision of the majority in the Economic and Social Council, and not to reopen debate on basic principles. Specific points of the draft protocol should be criticized only if they could be improved by alternative texts. The draft before the Conference represented a compromise; to seek further compromises indefinitely would be to destroy the protocol entirely. On the other hand, it would be useful for the Secretariat to formulate in legal terms the decisions adopted by the Narcotics Commission at its eighth session, in particular those relating to the sanctions provided under the single convention and to the procedure for inquiry and inspection. Duplication could thus be avoided.

He especially commended Mr. Sharman of the Supervisory Body and Mr. Hay of the Permanent Central Opium Board for their unremitting labours in the struggle against illicit narcotics traffic, and recalled the basic premises they had suggested for any measures of international control. Above all, if the proposed international instrument was to prove effective, national control, within the

borders of each country, had to be carried out in good faith. Then, the international officials whose duty it would be to give effect to the protocol should be given simple, precise instructions couched in phraseology which was not ambiguous or unduly technical and legalistic.

Finally, in view of the extremely grave situation arising from the increasing volume of drug traffic, it was indispensable to achieve some progress, however small, in international control. For that reason, the Conference should strain every effort to complete and improve the draft protocol and France had co-sponsored the draft resolution (E/CONF.14/L.3) to that effect.

Mr. UMARI (Iraq) said that while his country was neither a producer nor a consumer of opium and its use in Iraq was limited strictly to medical purposes, it was prepared to contribute to the common effort to resolve the world narcotics problem by helping to complete the draft protocol.

Mr. KYROU (Greece) gave his delegation's full support to the joint draft resolution introduced by the United States representative, but suggested the addition of the following paragraph in the preamble to avoid possible misunderstanding:

"Keeping in mind the letter and the spirit of resolution 436 (XIV) of the Economic and Social Council, on the basis of which it has been convened by the Secretary-General,"

Mr. VAILLE (France) a co-sponsor of the proposal, accepted that addition. In reply to a query from Mr. CRIEGA (Chile), he observed that there was no incompatibility between the joint proposal and the suggestion of the Swiss representative that the draft protocol should be studied in the light of the Narcotics Commission's studies on related provisions in the single convention. A number of those provisions were identical in purpose with corresponding clauses of the protocol's text. Moreover, parts of that text had been used by the Commission as a basis of discussion at its last session. In any case, the texts used by the Conference would merely be working papers.

Mr. ORTEGA (Chile) thanked the French representative for his explanation and supported the joint draft resolution.

Mr. NIKOLIC (Yugoslavia) said that although drug addiction was unknown in his country, it would be glad to contribute to the common effort to resolve the serious problem of illicit drug traffic in a spirit of international co-operation.

The draft protocol represented a step forward towards such a solution and Yugoslavia supported it in principle. The problem had two aspects, however; drug addiction with its deleterious effects on human beings, and the organization of bands of drug traffickers who constituted a threat to peace and order within every country. Without increased vigilance on the part of national authorities and strengthened international police co-operation, drug traffickers could become a real danger both to internal and international security.

He warned against undue optimism regarding the effectiveness of the proposed protocol. Opium was no longer the only raw material which had to be brought under international control. The growth in production of synthetic narcotic drugs must be borne in mind and constructive steps taken to cope with it. Accordingly, international efforts should not end with the present Conference. They should be pursued at other meetings until the entire problem of illicit drug consumption and of the illicit drug traffic had been eradicated.

Mr. PHAM HUJ (Vietnam) thanked the Secretary-General for the invitation extended to his country to take part in the Conference. He had no major objection to the provisions of the draft protocol and supported the joint draft resolution (E/CONF.14/L.3) and the Greek amendment.

The meeting rose at 1 p.m.

28/5 a.m.