

## UNITED NATIONS

## ECONOMIC AND SOCIAL COUNCIL



Distr. GENERAL

E/CONF.14/SR.4 29 May 1953

ORIGINAL: ENGLISH

UNITED NATIONS OPIUM CONFERENCE

SUMMARY RECORD OF THE FOURTH MEETING

Held at Headquarters, New York, on Thursday, 14 May 1953, at 11 a.m.

## CONTÉNTS

Consideration of the draft protocol for regulating the production of, international and wholesale trace in, and use of opium (E/2186, E/2186/Add.1, E/2186/Add.2, E/2186/Add.3, E/2186/Corr.1, E/2186/Corr.2; E/CONF.14/1, E/CONF.14/1/Add.1, E/CONF.14/1/Add.2, E/CONF.14/2)
Organization of the work of the Conference (E/CONF.14/L.2)
Report of the Credentials Committee (E/CONF.14/L.4)

## PRESENT:

President:

Mr. LINDT

Switzerland

Executive Secretary:

Mr. YATES

Administrative Secretary:

Mr. PASTUHOV

CONSIDERATION OF THE DRAFT PROTOCOL FOR REGULATING THE PRODUCTION OF,
INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM (E/2186, E/2186/Add.1,
E/2186/Add.2, E/2186/Add.3, E/2186/Corr.1, E/2186/Corr.2; E/CONF.14/1,
E/CONF.14/1/Add.1, E/CONF.14/1/Add.2, E/CONF.14/2)

Mr. USHIROKU (Japan) observed that the Conference marked a particularly significant moment in the forty years of international co-operation to rid mankind of the evil of opium addiction. In dealing with the root of the problem at an international level, the Conference should endeavour to maintain a balance between ideals and realities and guard against excessive compromise. The draft protocol reflected a laudable effort to achieve that delicate balance, and Japan supported it in principle. The Secretariat was to be commended upon the excellent documentation it had prepared for the use of the Conference.

Japan was a party to the various international conventions on narcotic drugs, including the 1946 and 1948 Protocols. In the conviction that effective international control was largely dependent upon effective domestic control, and spurred on by criticism of its opium policy in the past, Japan had enforced very strict measures for the control of opium and other narcotic drugs since the end of the Second World War. It had, moreover, readily agreed on the principles of the draft interim agreement and of the proposed protocol.

Japan would agree to the provisions in the draft protocol relating to maximum stocks, in particular the provision affecting Japan as a manufacturer of opium alkaloids. It would, however, request clarification of the standards to be adopted by the Permanent Central Cpium Board in determining the normal requirements of manufacturing States for the period specified.

It had no objection to the provision that opium should be imported only from the producing countries which had exported it in 1950. The principle of non-discrimination generally applied in international trade need not apply in that particular instance; what was important was to establish a system designed to prevent abuses in the trade of opium during the interim period pending attainment of the ultimate goal, namely, a complete international monopoly of opium production.

With regard to the draft protocol's provision for the disposal of seized opium, Japan, while it was prepared to agree to total destruction if the Conference should so decide, preferred the second alternative stated in section 6, in the interest of preserving its short supply of foreign exchange.

He would not object to extension of the draft protocol's provisions to States which were not parties. Apart from the precedents offered both in the League of Nations Covenant and in the Charter for participation of non-member States, the technical and humanitarian nature of the drug problem justified universality of application.

He also supported the provision for local enquiry by the Board to ensure implementation of the protocol, and hoped such on-the-spot investigations would help to accustom governments to the whole idea of interactional enquiries on the territory of sovereign States.

Finally, he requested clarification of section 18, which appeared to exempt the States parties from any obligation to observe the protocol in respect of certain specified territories. Japan was concerned regarding the applicability of the embargo provided in section 12 to certain territories in respect of which parties declared that they assumed no obligation. The territorial application provision required some explanation, especially as even States which were not parties to the protocol were expected to fulfil the obligations arising out of it.

In its work on the draft protocol, the Conference should reject the all-ornothing approach in favour of a gradual advance towards a solution of the opium
problem on the international level. General agreement on the protocol would
constitute a significant step forward.

Mr. RENBORG (Observer from Sweden) recalled that there was practically no addiction in Sweden and both national and international traffic in opium was insignificant. However, Sweden believed that international co-operation was essential to any effective campaign to eradicate the deleterious effects of the drug. For that reason, Sweden had become a party to all international conventions and protocols for the control of narcotic drugs except the 1936 Convention for the Suppression of Illicit Traffic, which had no application to conditions in Sweden. It would give careful consideration to the protocol worked out by the Conference.

After reviewing the world's efforts to regulate drug traffic and production in the past 50 years by international agreement, he recalled the work of the League of Nations on narcotics with which he had been closely associated for 17 years. Realizing that the problem could not be solved unless the raw materials question were dealt with on an international level, the League Advisory Committee on Traffic in Opium and Dangerous Drugs had, in 1939, drafted a set of articles to be incorporated in an international convention for limiting the production, distribution and use of raw opium and other raw materials for the manufacture of narcotics. The League had adopted the draft with the exception of a provision to regulate prices as a factor in limiting production and another clause relating to poppy cultivation for the production of opium alkaloids. Progress on the undertaking had been halted by the outbreak of the Second World War.

Despite the persistence of a serious problem of drug addiction and an alarming rise in illicit traffic, the system of international control worked out by the League had functioned effectively; without it, the situation would have been disastrous.

As the production of narcotic drugs derived from opium was admittedly the most serious problem, decisive steps had to be taken to limit the production of raw opium. So long as there continued to be an overwhelming disproportion between the amount of opium required for medical and scientific purposes and the amount produced, the excess would continue to foster illicit traffic.

The Narcotics Commission had accordingly attempted to prepare a convention inspired largely by the original League draft. The resulting draft interim agreement had provided for an international opium monopoly with wide powers to regulate opium production and international trade in the drug. In that period of post-war tension, however, governments had not been prepared to place the question of vital raw materials production under international control, the interim agreement had proved unacceptable to the majority, and had been abandoned. In 1951, France had come to the rescue with a proposal for incorporating in a draft protocol the basic principles for limiting opium production, a proposal which had led to the draft before the Conference. He recalled that, in 1931, France had similarly salvaged the Convention for the limitation of the manufacture of narcotic

drugs, and paid a tribute to the pioneers in the long struggle against drug addiction and illicit traffic, including Sir Malcolm Delevingne of the United Kingdom, Sir John Campbell, who represented India, Mr. Van Wettum of the Netherlands and Mr. Fuller of the United States, ably assisted by Mr. Anslinger, the United States representative at the Conference. Also among those pioneers were Mr. May, Chairman of the Permanent Central Opium Board and of the Supervisory Body and Mr. Sharman, Vice-Chairman of the Supervisory Body.

The draft protocol, while it was not a final solution, was the best plan on which agreement could be reached in existing circumstances. Its major defects were that it failed to provide for the direct limitation of the annual production of raw opium to a fixed amount based on the Permanent Central Opium Board's estimate, that it did not make adequate provision for inspection, and that it overlooked entirely the importance of working out an internationally recognized standard method for ascertaining the morphine and water content of raw opium. The Conference should give full consideration to the last point and request relevant information from the Permanent Central Opium Board.

It was of paramount importance that the draft protocol should be accepted by the largest possible number of countries if international regulation of opium was to have any effect. It would be an essential first step, to be followed, when international tension had eased, by a more comprehensive convention to limit raw opium production to fixed amounts under international supervision. On the other hand, while it was wholly within the power of men to limit industrial production of opium - the 1931 Convention to that end had yielded satisfactory results - it was far more difficult to control agricultural production. The agricultural output of raw opium depended on conditions of the soil, climate during growth and harvest and other natural phenomena which made it inherently difficult to regulate. The League had met the difficulty by allowing producing countries to maintain special regulatory stocks under international supervision.

It must be borne in mind that opium cultivation in the major producing countries constituted the principal livelihood of thousands of peasants. Any drastic limitation in output necessitated special measures of compensation for losses and the growing of substitute crops with a resulting heavy financial burden on the governments concerned. They would be prepared to make that sacrifice, provided they had the assurance that the objective would be achieved. In

addition, opium alkaloids were being extracted from poppy straw in ever-increasing quantities, in direct competition with raw opium. Although the proposed single convention might control that output, it would not enter into force for many years to come and a considerable percentage of world morphine would continue to be produced from poppy straw.

Finally, the future of raw opium on the world market was extremely uncertain. It could safely be assumed that its use for smoking would disappear within a few years, its use for quasi-medical purposes also would ultimately cease, and synthetic narcotic drugs would appreciably reduce the demand for it. Thus, while the medical use of narcotic drugs could be expected to increase gradually, there would not necessarily be any increase in demand for raw opium. Consequently, it was an economic necessity for producing countries to organize and plan any reduction in opium production. It was surely not in the interest of producing countries to accumulate stocks for which they could find no legitimate outlet.

He wished the Conference every success; it could make a signal contribution to human happiness.

Mr. OR (Turkey) said that the question of licences to be issued to cultivators should be decided in a manner consistent with the social, administrative and legislative provisions of the various producing countries.

Regulations limiting maximum stocks could be based on the amount exported by a country in any two years since 1931.

International trade in opium should be restricted to medical and scientific requirements but should not be inhibited by any other limitations. If that did not prove possible, adequate safeguards should be provided in the case of such other limitations.

With regard to sanctions, the Conference should consider the provisions laid down by the Commission on Narcotic Drugs at its eighth session.

The proposed protocol should not specify on what points reservations might be made.

Finally, the protocol should not enter into force until it had been signed by the four major opium-producing countries, namely, India, Iran, Turkey and Yugoslavia.

Mr. ARDAIAN (Iran) observed that Iran, although one of the major opium-producing countries, had not lost sight of the significance of international co-operation in combating the use of and illicit traffic in opium. It had always participated in action to restrict the cultivation of the opium poppy to medical and scientific requirements and therefore wholeheartedly supported the high purposes of the present conference.

The failure of the Commission on Narcotic Drugs to achieve satisfactory results at its sixth session was a matter of regret to the Iranian delegation. The Economic and Social Council had urged the Commission to make every possible effort to find a basic acceptable to the governments principally concerned on which an international agreement to limit the production of opium to medical and scientific needs could be formulated. The Commission had been unable to reach an agreement on the four chief points related to the establishment of an international opium monopoly. Iran had taken the position then that the best way to polve perennial problems was to set up an international opium monopoly.

The Iranian Government desired to associate itself with any international action, however limited, which would bring that goal closer and had therefore carefully studied the draft protocol submitted to the Conference. Its position was that the latter should bear in mind the guiding principles upon which the limitation of opium production to medical and scientific needs was based. It seemed somewhat paradoxical to compel opium-producing countries to restrict their production and, on the other hand, to create unrestricted competition by increasing the number of producers. Unrestricted competition, which necessarily led to over-production, was inconsistent with the limitation of opium production to purely medical and scientific needs.

It was a matter of satisfaction to the Iranian delegation to note that some of the provisions contained in the draft protocol had already been applied in Iran for a number of years. For instance, a government organ had been set up with sole authority to purchase opium from cultivators for medical and scientific needs and to prevent illicit traffic. Licences for the purchase and sale of opium were not issued to private individuals. The cultivation of the opium poppy was permitted in certain provinces and the entire crop was purchased by the State. Cultivation elsewhere was prohibited and illicit crops were immediately destroyed by the Government.

Those measures, together with others which were currently under study, showed that Iran was keenly interested in the problem of narcotic drugs, particularly of opium.

Mr. SALAZAR (Dominican Republic) said that the Dominican Republic did not produce, import or consume opium except for strictly medical and scientific purposes. Moreover, the consumption of the drug in manufactured form was severely regulated and controlled by the public health authorities. Addiction to the drug was unknown in the country and not a single case of illicit use had been reported.

The Dominican Republic was nevertheless eager to participate in international action designed to draft a satisfactory instrument for controlling the use of narcotic drugs. As a social problem afflicting mankind, the illicit use of drugs could be dealt with adequately only if as many States as possible took part in joint action and undertook to observe regulations such as those contained in the draft protocol.

Mr. GHORBAL (Egypt) said that the Egyptian Government wholeheartedly supported the purposes and principles underlying the draft protocol. Egypt had participated in the past and would continue to participate in international action aimed at limiting the production of opium and at eradicating illucit traffic. The Egyptian position was partly motivated by self-interest as the Government was anxious to eradicate drug addiction within its own borders, and also by the desire to help drug addicts all over the world.

Egypt was an opium-consuming country which was a party to the 1931 Convention. It had exerted every effort to combat the illicit traffic in and consumption of narcotic drugs. The current Administration had continued those efforts and had enacted a decree-law in December 1952 which was considered one of the strongest measures against drug traffickers. Under its provisions, illicit importers or exporters were liable to life imprisonment with hard labour or a fine of from £3,000 to £10,000, or both.

The action taken by the Egyptian Government had been partially successful in that it had resulted in a marked decrease in the quantities of drugs seized by the authorities. Illicit trafficking nevertheless remained a serious problem. However, the strict measures adopted had raised the price of opium from £440 per kg. in 1951 to £500 per kg. in 1952.

Egypt's geographical position made it particularly vulnerable to smuggling operations. Its borders adjoined or were near those of drug-producing countries and narcotic drugs were being smuggled in from its eastern neighbouring States. The British occupation of the Suez Canal Zone had also hampered the Government's efforts to combat illicit traffic.

The Egyptian Government was convinced that the solution to the problem of narcotic drugs was in the hands of the producing countries. Without illicit production there could not be any illicit traffic.

Mr. HAMDANI (Pakistan) said that his delegation was in agreement with the principles upon which the draft protocol was based.

Pakistan was a party to all existing conventions and agreements on opium and other narcotic drugs. Those conventions and agreements had been concluded at world conferences at which British India had invariably been represented by a full delegation. That point had been fully covered by the representative of India in an earlier statement. In that connexion, he wished to point out that that representative should not have stated that Pakistan had been a part of India in 1947. He should have used the term "British India".

During that period Pakistan had received its opium supplies from the Ghazipur Opium Factory. Following the establishment of Pakistan, its supplies of opium from India had been affected and difficulties had been experienced in the procurement of opium. Pakistan was not a principal opium-producing country but was making an effort to produce opium in order to meet its own requirements. The Government was discouraging the use of opium for non-medical and non-scientific purposes and until such time as the use of opium for those purposes was totally prohibited, it was proposed that the production of opium should be limited to the requirements of the country itself.

The Pakistan Government allowed poppy cultivation under its direct control and supervision but had taken suitable measures to ensure that no attempts were made to grow the poppy illicitly. No instance of large-scale illicit cultivation had been reported.

With regard to the consumption of opium in Pakistan, it should be borne in mind that opium had been used in the Indo-Pakistan sub-continent from time immemorial. In rural areas it was regarded as a useful remedy for various ailments. The Royal Commission of 1893 had found it unnecessary to prohibit the manufacture and sale of opium in British India except for medical purposes. Aside from those quasi-medical uses of opium, the practice of opium-eating and opium-smoking had also been common in Pakistan.

It had been the main object of a number of international agreements and conventions that opium-smoking should be completely prohibited. The Economic and Social Council had adopted a resolution during its seventh session requesting Governments to adopt a policy of suppression of opium-smcking. of that recommendation, the Government of Pakistan had addressed the Provincial Governments and States in the middle of 1950 urging them to take suitable legislative and administrative steps to prohibit opium-omcking completely. Opium-smoking had since been totally prohibited in the provinces of East Pakistan, the Punjab, Sind, Karachi and Khairpur, and partially prohibited in the North-West Frontier Province, Bahawalpur and Baluchistan. In the latter provinces existing opium-smokers had been granted permits on the advice of medical officers. They were allowed to smoke a very small quantity of opium. Complete prohibition in those provinces was expected to be achieved in the near future as the number of opium-smokers was decreasing rapidly. The Government's policy in that respect was to enforce complete prohibition of opium-smoking in all the provinces and States.

With regard to opium-eating, it was a fact that addicts had so developed that habit that a sudden prohibition of opium-eating would seriously impair their health. Such a measure would also bring about an increase in the illicit traffic in opium. The Government had therefore adopted a reaslistic approach to the problem and had issued directives to the Provincial Governments and States instructing them to reduce gradually the consumption of opium for non-medical and non-scientific purposes but allowing existing addicts the use of opium in decreasing quantities on medical grounds. Restrictions had been imposed on the sale of opium and every possible step was being taken to prevent new persons from becoming opium-eaters.

It was therefore the considered policy of the Government of Pakistan that the use of opium for quasi-medical purposes should be permitted for a limited but unspecified period to be determined in the light of experience gained before it was completely prohibited for non-medical and non-scientific purposes. Every effort would be made to introduce prohibition in as short a period as was practicable.

Mr. de la PRESILLA (Spain) expressed the Spanish Government's gratitude for the opportunity of participating in the United Nations Opium Conference. In recent years there had been a marked decrease in the illicit traffic in narcotic drugs in Spain, due principally to the almost complete absence of drug addiction in the country. The highly efficient functioning of the services responsible for implementing the restrictions on narcotic drugs and the strict laws on the subject resulted in a very complete control of all movements of such products, which were distributed solely by the official services. All the laboratories and pharmacies, and the two factories manufacturing narcotic drugs scrupulously complied with the regulations. Imports of narcotic drugs for consumption in Spain were exclusively in the hands of the Spanish Government. All import and export operations were strictly in accordance with international regulations or laws laid down by the countries of origin or destination of the drugs concerned. He expressed the approval of the Spanish Government for section D of the Economic and Social Council resolution of 27 May 1952.

In principle, Spain was in agreement with the draft protocol for regulating the production of, international and wholesale trade in, and use of opium, but he reserved the right to make proposals and to express his Government's views during the debates of the Conference. Although the principle might appear Utopian, the Spanish Government thought that it would be desirable for producing countries to allow the international organization to intervene more effectively both in the production and the distribution of narcotic drugs.

Mr. NIKOLIC (Yugoslavia) wished to express his Government's objection to the participation in the United Nations Opium Conference of a representative of the Nationalist Government of Spain, since Yugoslavia had recognized the Republican Government of that country.

The PRESIDENT reminded the representative of Yugoslavia that the Secretary-General had been expressly authorized to issue an invitation to Spain by a resolution of the Economic and Social Council, and that further, there was a General Assembly resolution laying down rules for convening conferences.

Mr. JONKERS (Netherlands) felt that his country's record with regard to conventions on narcotic drugs was an ample proof of its readiness to participate in international agreements on the subject. The Netherlands was prepared to undertake any international obligation recessary to secure the limitation of the production of opium. In that connexion, he felt that the primary responsibility lay with the producing countries. On their readiness to regulate production, the success of a protocol such as the Conference was about to debate must ultimately depend. The producing countries had stated that they would be in a position to introduce effective limitation of production only when they could know in advance the quantities required by the manufacturing countries. On the basis of that principle, an interim agreement providing for the establishment of an international opium monopoly had been prepared. Unfortunately that draft interim agreement had not proved a satisfactory basis for agreement between the producing and manufacturing countries. His Government still saw no practical possibility of implementing it and feared that the complicated system of regulations which would have to be introduced under it would be out of all proportion to the results which could be expected under the prevailing circumstances. It had accordingly been a happy decision of the Commission on Narcotic Drugs, at the proposal of the French delegation, to prepare a draft protocol which, while not encroaching upon the sovereignty of the countries concerned, would require their co-operation in achieving the desired limitation. The fact that the draft protocol was not perfect and

did not guarantee the complete control of production should not be held against it - a water-tight system of limitation would be impossible of achievement in the case of several producing countries and stricter regulations were for the time being out of the question.

Furthermore, the draft protocol might well serve as a useful forerunner of the so-called single convention and its operation might provide fruitful experience which might be of assistance in drafting that convention. His Government had objections to the simultaneous operation of the protocol and the single convention which would be discussed at a later date; the single convention would not be single if a protocol were in existence at the same time. The latter would therefore have to be an interim measure. He stressed the importance of securing as nearly universal an acceptance as possible of the protocol, also later, of the single convention. It should be a condition that all the most important producers of opium should accede to the protocol, so that the manufacturers should not be deprived of supplies of the types of opium which they were accustomed to use. If these considerations were borne in mind, the Netherlands Government was prepared to agree with the principles of the draft protocol.

Mr. WALKER (United Kingdom) replied under Rule 18, with the permission of the Chair, to the Egyptian representative's comments on the occupation by British troops of the Suez Canal Zone. If all that those comments meant was that disturbance of the public order raised difficulties in connexion with the control of the illicit traffic in narcotic drugs, he would not wish to say more than that the United Kingdom was not indifferent to the problem faced by the Egyptian Government, and that its co-operation would be forthcoming, if any particular matter were raised, as was appropriate, through the local diplomatic representatives. He recalled that his countrymen's record in that field in Egypt was neither insignificant nor dishonourable.

Mr. GHORBAL (Egypt) replied that he had merely been drawing the attention of the Conference to the particular difficulties in the control of the illicit traffic in narcotic drugs in Egypt arising from many years' occupation of the Canal Zone by British troops. He recalled the specific case reported by the representative of Egypt to the Commission on Narcotic Drugs, of a notorious trader who was known to take refuge in the British occupied zone. Since the United Kingdom representative to the Commission had promised to obtain further information on that subject, he had himself merely been referring to the matter as a general example of the difficulties arising in the control of the traffic in narcotic drugs in Egypt.

Mr. WALKER (United Kingdom) explained that he had duly passed on the comments made to him in private by the Egyptian representative to the Commission on Narcotic Drugs. His abstention from further comment on the matter did not imply acceptance of any criticism made by the Egyptian representative.

ORGANIZATION OF THE WORK OF THE CONFERENCE (E/CONF.14/L.2)

The PRESIDENT called attention to rule 43, paragraphs 1 and 2 of the rules of procedure of the Conference referring to committees. He then read paragraph 6 of document E/CONF.14/L.2, laying down procedure for the constitution and work of a Main Committee of the Conference, and asked the Conference to signify its approval of that procedure.

The Conference approved the procedure laid down in paragraph 6 for the constitution of a Main Committee.

The PRESIDENT called the attention of the Conference to paragraph 7 of document E/CONF.14/L.2, laying down terms of reference of a Drafting Committee. The Conference approved that paragraph.

The PRESIDENT, in accordance with rule 45 of the rules of procedure, nominated the delegations of the following countries as members of the Drafting Committee: Canada, China, France, India, Philippines, Turkey, United Kingdom, United States, Yugoslavia.

Mr. KYROU (Greece) felt that, as the Drafting Committee would undoubtedly have to deal with questions of translation, a member of a Spanish-speaking delegation should be appointed to it. He proposed the inclusion of Mexico as a member of the Drafting Committee.

Mr. JOUBLANC-RIVAS (Mexico) said that he had intended proposing that a member of a Latin-American delegation should be appointed to the Drafting Committee in the interests of geographical distribution. He must decline to serve on the Committee himself, in view of the fact that he was the only member of his delegation.

The PRESIDENT explained that members of Latin-American delegations had previously been approached on the subject, but all had felt obliged to decline nomination in view of the fact that their delegations were very small in size. He agreed, however, as to the desirability of including a Spanish-speaking delegate on the Drafting Committee.

Mr. ANSLINGER (United States of America), supported by Mr. SALAZAR (Dominican Republic) proposed the inclusion of Spain as a member of the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) felt that the membership of Spain would not serve the purposes of geographical distribution, and that in view of the interest demonstrated by Latin-American countries in the problem before the Conference, that region of the world should be represented on the Drafting Committee.

The PRESIDENT thanked the representative of the United States for his suggestion and proposed the inclusion of Spain in the Drafting Committee, which was approved by the Conference. In reply to a question from Mr. UMARI (Iraq) as to the possibility of including the observer for Sweden in the membership of the Drafting Committee, he explained that that Committee would be free to invite the observer for Sweden to attend its proceedings.

Mr. VAILLE (France) hoped that it might be possible for the Secretariat to place one or two translators who had specialized in work on narcotic drugs at the disposal of the Drafting Committee.

REPORT OF THE CREDENTIALS COMMITTEE (E/CONF.14/L.4)

The PRESIDENT called on the Chairman of the Credentials Committee to present the report of the Committee.

Mr. JOUBLANC-RIVAS (Chairman of the Credentials Committee) summarized the main points covered by the report of the Credentials Committee. He explained that the Committee would be obliged to meet again later in order to examine the credentials of representatives who had not yet submitted them or the full powers of representatives whose Governments might wish to sign the protocol when it was adopted by the Conference.

The PRESIDENT noted that owing to the omissions from the report, a second report would have to be submitted later. He suggested that the first report should be noted and reconsidered later in the light of a second and more complete report.

It was so agreed.

The meeting rose at 1.00 p.m.