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COMMISSION ON NARCOTIC DRUGS

Fifth Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-FIRST MEETING

Held at Lake Success New York,
on Friday, 15 December 1950, at 2.30 p.m.

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Draft report of the fifth session of the Commission on Narcotic Drugs to the Economic and Social Council (E/CN.7/L.1, E/CN.7/L.1/Corr.1, E/CN.7/L.1/Add.3-8) (continued)

<u>Chairman:</u>	Mr. SATTANATHAN	India
<u>Members:</u>	Colonel SHARMAN	Canada
	Mr. TSAO	China
	Mr. LABIB	Egypt
	Mr. BOURGOIS	France
	Mr. AMINI	Iran
	Mr. RABASA	Mexico
	Mr. KRUYSSSE	Netherlands
	Mr. AVALOS)	
	Mr. MONGE)	Peru
	Mr. BORATYNSKI	Poland
	Mr. OR	Turkey
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland

Members (continued):

Professor ZAKUSOV	Union of Soviet Socialist Republics
Mr. ANSLINGER	United States of America
Mr. KRASOVEC	Yugoslavia

Also present: Mr. FONDA Chairman of the United Nations Commission of Enquiry on the Coca Leaf

Secretariat: Mr. STEINIG Director of the Division of Narcotic Drugs

Mr. BOLTON Secretary of the Commission

DRAFT REPORT OF THE FIFTH SESSION OF THE COMMISSION ON NARCOTIC DRUGS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.7/L.1, E/CN.7/L.1/Corr.1, E/CN.7/L.1/Add.3-8)
(continued)

Document E/CN.7/L.1/Add.3 (continued)

The CHAIRMAN invited members to continue the discussion of the section of the report contained in document E/CN.7/L.1/Add.3. Pursuant to the discussion at the previous meeting, he suggested that section M should be deleted and that the following sentence should be added to section L: "It noted the recommendation of the Joint Committee that the proposal for the establishment of an international monopoly of alkaloids, of which the broad outlines are given in the annex to the present report, should be carefully studied in all its aspects as speedily as possible, and accordingly decided to request the Secretary-General to obtain from the Governments represented on the Commission their views on the proposal and to communicate these views to the Commission during its sixth session."

The Commission referred to in that sentence would be the Preparatory Commission.

The text proposed by the Chairman was adopted.

Colonel SHARMAN (Canada) suggested that an alternative drafting should be found for the words "effectively curbed" at the top of page 7, which seemed somewhat exaggerated.

/The CHAIRMAN

The CHAIRMAN proposed the substitution of the words "effectively curtailed".

It was so agreed.

Colonel SHARMAN (Canada) took exception to the fact that there was no mention of the preparatory committee in the draft resolutions. He thought that it should be mentioned and a distinction made between the Commission's session and the meeting of the preparatory committee.

The CHAIRMAN felt that the Canadian representative's point was met by the last paragraph on page 8; if the preparatory committee was specifically mentioned, administrative or other difficulties might arise.

The two draft resolutions dealt with different aspects of the same question and might be considered as one. He put the draft resolution to the vote.

The draft resolution was adopted by 10 votes to none, with 5 abstentions.

Mr. HOARE (United Kingdom), Rapporteur, read his revised version of the amendment proposed by the Netherlands representative at that morning's meeting. Taking also into account the observations made by the representative of Canada, he suggested that the following text should be inserted at the end of paragraph I on page 4: "It was also stated that the obligation to buy opium alkaloids from parties to the Interim Agreement might discourage certain parties from acceding to the Interim Agreement because they would wish to reserve the right to buy alkaloids from other countries at a lower price and for similar reasons they might not be prepared to accept any proposal to prohibit or limit the export of alkaloids by opium producing countries."

That version of the amendment was adopted.

Mr. HOARE (United Kingdom), Rapporteur, as the result of the discussion at that morning's meeting, proposed that the last sentence in paragraph G on page 4 should be replaced by the following text:

"Although there was some support for this proposal, the general opinion in the Joint Committee was that the Protocol would require ratification, and the Committee accordingly felt doubt whether the Protocol could be brought into operation within a sufficiently short space of time to enable its primary purpose to be achieved."

Mr. AMINI (Iran), supported by Mr. OR (Turkey) said that the question of ratification was not the only difficulty. He felt that the draft report should either give all the reasons why the Protocol could not be brought into operation, or else not specify any of the reasons and merely refer the reader to other documents.

To satisfy the Iranian representative, the CHAIRMAN proposed the following drafting:

"Although there was some support for this proposal, the Joint Committee decided not to pursue this further in view of various reasons stated in its report (reference number to be given)."

That drafting was approved.

Document E/CN.7/L.1/Add.3 as amended, was adopted.

Document E/CN.7/L.1/Add.2

Mr. OR (Turkey) observed that the French representative had stressed the question of addiction to synthetic drugs, and suggested that that idea should be noted on page 1.

Mr. HOARE (United Kingdom) (Rapporteur) suggested that the words "and in particular the use of synthetic drugs in 1948-1949" should be added to the sentence on page 1 which referred to the French representative.

It was so agreed.

Mr. KRUYSSSE (Netherlands) suggested that the first sentence in the third paragraph on page 3 should read: "...to discontinue the registration of new addicts...".

It was so agreed.

Professor ZAKUSOV (Union of Soviet Socialist Republics), referring to the last paragraph on page 5, pointed out that in the discussion he had not suggested the use of those drugs but merely indicated the possibility that they might replace heroin.

/Mr. HOARE

Mr. HOARE (United Kingdom) (Rapporteur) proposed the following drafting: "...the representative of the Union of Soviet Socialist Republics suggested that...were possible substitutes..."

It was so agreed.

Document E/CN.7/L.1/Add.2, as amended, and with minor drafting changes, was adopted.

Document E/CN.7/L.1/Add.4

Mr. AVALOS (Peru) asked that the last sentence on page 2 should be altered. No legislative measures had been adopted by his country and there was no express prohibition of the use of heroin; control of the import of heroin had been achieved through internal administrative measures, taken in accordance with international agreements.

Mr. HOARE (United Kingdom) (Rapporteur) suggested that the sentence should read: "...by the application of administrative measures, special legislative measures..."

It was so agreed.

Colonel SHARMAN (Canada) pointed out that the fifth sentence in the last paragraph on page 2 was not correct, since the whole discussion on the subject had revolved round the fact that medical use of heroin was prohibited in the United States but was allowed in Canada. Moreover, in giving a figure, he had said at least 75 per cent.

Mr. HOARE (United Kingdom) (Rapporteur) proposed that the sentence should read:

"According to statements made, in the United States, where the use of heroin was prohibited, that figure was 50 per cent, while in Canada, where the medical use of the drug was allowed, the figure approximated to 75 per cent; in Mexico, which prohibited the drug, illicit consumption..."

It was so agreed.

/The CHAIRMAN

The CHAIRMAN suggested some minor drafting changes in the last two paragraphs on page 3.

Mr. ANSLINGER (United States of America) said an important point had been overlooked in the section dealing with the situation in Thailand, and asked that the following sentence should be inserted after the first sentence in the second paragraph on page 4:

"He asked how it was possible for the Government of Thailand to maintain opium smoking dens as only smuggled opium was available."

It was so agreed.

Mr. ANSLINGER (United States of America) pointed out that the letter from the Italian observer to the United Nations (conference room paper no. 17), which had just been distributed, contained some important information on the question of diversion of heroin in Italy and asked that the substance of the information given should be inserted in that section of the report.

It was so agreed.

Mr. AMINI (Iran) drew attention to the third paragraph on page 8, which mentioned "the presence on ships calling at Dutch ports of opium suspected to be of Iranian origin." He had denied such origin; moreover the question was of minor importance and did not merit such prominence in the report.

Mr. KRUYSSSE (Netherlands) therefore proposed that that part of the sentence should be deleted.

It was so agreed.

Mr. KRUYSSSE (Netherlands), in the absence of the ICPC representative, recalled that the representative of that organization had invited the Government of Peru to become a member and suggested that that should be indicated in the last sentence on page 8.

Mr. HOARE (United Kingdom) (Rapporteur) proposed the following drafting: "...expressed the hope that Peru would become a members of the ICPC."

It was so agreed.

Document E/CN.7/L.1/Add.5

Mr. AMINI (Iran) questioned the conclusion recorded in paragraph 2 of section E (page 2). He had understood that the members of the Commission had undertaken to submit their own comments, which would naturally have the backing of their Governments, to the sixth session. It would be extremely difficult for members to obtain any definite comments from their Governments on the basis of a preliminary draft.

Colonel SHARMAN (Canada) fully agreed with the representative of Iran. There had been a lengthy discussion on the subject and it had eventually been agreed that it would be just as difficult to ask representatives to ascertain the views of their Governments as it would be to submit the text of the Convention to Governments for their comments. In both cases, the documentation had not been adequately prepared for Governments to submit their comments. It had therefore been agreed that representatives would simply express their own views on the text in writing for the sixth session.

Mr. HOARE (United Kingdom), Rapporteur, recalled that the Commission had not discussed the Single Convention thoroughly enough to be in a position to instruct the Secretary-General to prepare a redraft for submission to Governments. He had understood that it had finally been decided that at least the Governments represented on the Commission should be asked to submit their comments, as they were the Governments most concerned in the question. If members were simply to give their own views in writing very little progress would be made, because a great deal of that material was already included in the summary records of the current session. It would therefore be of great advantage if the Governments represented on the Commission could make some comments in time for the sixth session.

The CHAIRMAN agreed with the interpretation given by the United Kingdom representative. The representative of Canada was right in stating that it would be impossible to ask all the Governments Members of the United Nations to submit their formal comments on the Single Convention at that stage. It was precisely because of that difficulty that representatives should ask their Governments to

/make some

make some comments on the present draft of the Single Convention and bring the relevant papers to the next session.

Mr. AMINI (Iran) said that he was prepared to agree to such a decision although it would be extremely difficult to put it into effect.

Colonel SHARMAN (Canada) still maintained that it was not practical to make such a request to Governments. He was therefore opposed to the draft resolution for submission to the Economic and Social Council contained in section F (page 3).

Mr. ZAKISOV (Union of Soviet Socialist Republics) said that he was unable to support the draft resolution contained in section F and asked that his abstention should be recorded.

The CHAIRMAN said that the reservations made by the representatives of Canada and the USSR would be included in the summary record.

Colonel SHARMAN (Canada) said that the President of the Permanent Central Opium Board had asked him to submit an amendment to the second sentence on page 10. If the amendment was accepted that sentence would read: "While visits arranged by the Commission would serve the establishment of facts for 'legislative' purposes, local inquiries arranged by the Board might be (semi-) judicial in nature."

That amendment was accepted.

Mr. KRUISSE (Netherlands), referring to the section of the report on the international clearing house (page 12), recalled that several delegations had pointed out during the discussion that irregularities in the application of the provisions of existing conventions had hardly ever given rise to illicit traffic. He thought that point should be mentioned among the doubts expressed on the advisability of establishing an international clearing house. He therefore proposed that the following additional sub-paragraph should be added:

"(6) Such irregularities as occur under the existing system of import and export authorizations do not lead to illicit traffic."

/Mr. SHARMAN

Mr. SHARMAN (Canada) and Mr. BOURGOIS (France) expressed similar views.

Mr. STEINIG (Secretariat) stated that the point at issue was not illicit traffic but non-compliance with Article 12, paragraph 2, of the 1931 Convention which stipulated that the reports of any of the drugs covered by the Convention should not exceed the total of the estimates for that drug as shown in the annual statement of the Supervisory Body. If quarterly import and export statistics showed that there had been an excess over that total of the estimates, article 14 of that Convention required that an embargo should be imposed on the contravening Party. The clearing house would be the only logical way to help governments to observe their quotas strictly, which so far had not always been the case, and to avoid thus the "embargo" sanction of Article 14.

The amendment proposed by the representative of the Netherlands was adopted.

Mr. BOURGOIS (France) referred to the second paragraph on page 15, which stated that the 1931 Conference had abandoned the principle adopted at the 1925 Conference that in order to ensure its technical independence a control organ must have a separate secretariat.

He emphasized that the Convention of 1931 maintained the independence which had been ensured by the Convention of 1925.

The Permanent Central Board chose its secretariat (Article 20 of the Convention of 1925), not the Secretary-General. The latter merely provided administrative services such as office accommodation and supplies; he could not intervene in the choice of members of that secretariat or in their work.

Hence, the fusion of the secretariat of the Permanent Central Board, which should be completely independent, with the secretariat of the Division of Narcotic Drugs was inadmissible, since one was dependent only on the Board, which had chosen it, and the other came under the Secretary-General of the United Nations.

Such a fusion would be contrary both to the spirit and the letter of the Conventions.

The absolute independence of the secretariat of the Permanent Central Board had been the essential and dominating idea in the establishment of that organ.

Mr. KRASOVEC (Yugoslavia) emphasized that the only concrete decision taken by the Commission had been that a single secretariat should not serve the two new control organs. In his opinion, the working of the draft report somewhat

In reply to a question raised by Colonel SHARMAN (Canada), the CHAIRMAN confirmed that the reference to the import or export of opium at the foot of page 17 did not apply to opium alkaloids.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) referred to the final paragraph on page 19 and requested that the words "(no member of the Commission)" should be replaced by the words "The representative of the USSR".

It was so agreed.

Mr. BORATYNSKY (Poland) regretted that he had been absent during the discussion on the Single Convention. He realized that his comment could not be included in the report but, for the purposes of the record, he wished to associate himself with the view expressed by the USSR representative, mentioned at the foot of page 19, that the Convention should not contain the so-called Colonial (territorial) Clause.

Document E/CN.7/L.1/Add.5, as amended, was adopted.

Document E/CN.7/L.1/Add.6 was adopted without discussion.

Document E/CN.7/L.1/Add.8

At the invitation of the Chairman, Mr. Fonda, Chairman of the United Nations Commission of Enquiry on the Coca Leaf, took his place at the Commission table.

Mr. MONGE (Peru) suggested that the penultimate sentence of section (b) (statements by the representatives of Bolivia and Peru) should be amended to read: "After a detailed explanation of the phenomena due to the effects of the high altitude and the peculiar features of the biology of the Andean man, the representative of Peru, referring to the written statement representing the views of the members of the Peruvian Commission on the coca problem, distributed to the members of the Commission on Narcotic Drugs, expressed the opinion that the medical part of the report of the Commission of Enquiry..."

It was so agreed.

/Mr. AVAÑOS (Peru)

Mr. AVAIOS (Peru) suggested that the words "The representative of Peru disagreed with this view" should be added to the first paragraph of section (e) (Decisions made by the Commission on Narcotic Drugs).

It was so agreed.

Mr. KRASOVEC (Yugoslavia) proposed that the following words should be added after the addition submitted by the Peruvian representative: "The representative of Yugoslavia stated that neither in the resolution nor in his observations had he approved of additional medical research, but that he had dealt with the social, economic and legal implications of the coca leaf problem."

It was so agreed.

He further proposed that the second sentence of paragraph 4, on page 4, should be amended to read: "For his part he supported the conclusions and recommendations of the report and in view of the fact that the problem of the coca leaf was of international importance and that it deserved more careful study than the Commission could now give to it, he had submitted that ..."

It was so agreed.

Mr. BOURGOIS (France) proposed that the third paragraph, on page 4, should be amended to read: "The representatives of Canada, China and France also congratulated ..."

It was so agreed.

Mr. RABASA (Mexico) proposed that the last sentence on page 4 should be amended to read: "After expressing their appreciation of the excellent work done by the Commission of Enquiry, the representative of Turkey agreed with the point of view of the representative of Peru, and the representative of Mexico further expressed his full sympathy with the attitude of the representative of Peru emphatically".

It was agreed to amend the text accordingly.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) proposed that the following addition should be made to the last sentence on page 3: "but he agreed with its findings as to the harmful effects of the chewing of the coca leaf".

It was so agreed.

Document E/CN.7/L.1/Add.7

Mr. HOARE (United Kingdom), Rapporteur, in reply to a question asked by the Canadian representative, explained that the procedure outlined in the first paragraph on page 5 was a summary version of the procedure recommended by the Joint Committee.

Document E/CN.7/L.1/Add.7 was adopted.

The report of the Commission as a whole was adopted.

ADJOURNMENT OF THE SESSION

The CHAIRMAN emphasized the memorable character of the session which was now drawing to a close. In addition to dealing with the usual matters, such as illicit traffic and the review of annual reports by Governments, the Commission had examined three questions of very great importance -- the interim agreement on opium, the Single Convention and the report on the coca leaf presented by the Commission of Enquiry. All the documents examined by the Commission represented long, conscientious and arduous work. That work had not been in vain because it could be hoped that with goodwill and perseverance the interim agreement might be ready for signature in two years' time. The draft Single Convention was of even greater importance and the Commission would tackle it with renewed vigour at its seventh session. The report on the coca leaf, despite some doubts expressed regarding its scientific and medical parts, represented an extremely valuable contribution to the work on that question and tribute should be paid to the Chairman of the Commission of Enquiry and to all those who had taken part in that Commission's work. A particular tribute should be paid to the excellent preparatory work done by the Secretariat and to the assistance it had given during the Commission's session. The Commission had been meeting at a time of crisis but had not allowed political considerations to interfere with its main task which was to suppress illicit traffic in narcotic drugs and thus to promote the welfare of mankind in general. The Commission had shown that when there was goodwill useful work could be achieved irrespective of political differences. In conclusion he thanked all the members of the Commission and the Secretariat for their help and co-operation.

/Mr. BOURGOIS

Mr. BOURGOIS (France), Mr. AMINI (Iraq), Mr. KRUYSSSE (Netherlands), Mr. AVALOS (Peru), Mr. OR (Turkey), Mr. KRASOVEC (Yugoslavia) and Mr. TSAO (China) thanked the Chairman for the able manner in which he had presided over the Commission's work and paid tribute to the work done by the Rapporteur of the Commission, the Division of Narcotic Drugs and by the staff servicing the meetings.

Mr. STEINIG (Secretariat) thanked members of the Commission for their appreciation of the work performed by the Secretariat. A year and a half ago he had warned the members of his Division that the interim agreement on opium, the Single Convention and the coca leaf problems were controversial questions, and that the fifth session of the Commission might reflect the difficulties inherent in those three problems. To a certain extent that had been the case; however, the Commission had discussed those problems frankly, and a certain measure of agreement had been reached. The Secretariat would continue to do its duty, and as in the past would count on guidance and constructive criticism by the Commission.

The CHAIRMAN declared closed the fifth session of the Commission of Narcotic Drugs.

The meeting rose at 7.5 p.m.