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Sixth Session

SUMMARY RECORD OF THE HUNDRED AND FIFTY-FIFTH MEETING

Held at Headquarters, New York,  
on Thursday, 24 May 1951, at 2.30 p.m.

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<u>Chairman:</u>	Mr. SAFTANATHAN	India
<u>Rapporteur:</u>	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
<u>Members:</u>	Mr. SHAFMAN	Canada
	Mr. WU	China
	Mr. KAMEL FAHMY	Egypt
	Mr. BOURCOIS	France
	Mr. AMINI	Iran
	Mr. BORATYNSKI	Poland
	Mr. OR	Turkey
	Mr. ZAKUSOV	Union of Soviet Socialist Republics
	Mr. ANSLINGER	United States of America
	Mr. KRASOVIC	Yugoslavia

Secretariat:

Mr. STEINIG

Director, Division of Narcotic Drug

Mr. BOLTON

Secretary of the Commission

DRAFT REPORT TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.7/L.7/Add.6, E/CN.7/L.7/  
Add.7)(continued)

Chapter V, section 19, sub-section (E) (E/CN.7/L.7/Add.6)

Paragraph A

Mr. AMINI (Iran) raised objection to the drafting of line 7 and lines 9 to 17 of paragraph A. The discussion of the international monopoly had not been "thorough"; the Chairman and he had, in fact, pointed out that that question had not been exhaustively discussed. It was not correct to say that some members had stated that an international opium monopoly was the ideal method for the solution of the difficulties; even the most ardent advocates of a monopoly did not think so. Nor was it accurate to say that the view had been expressed "that an international opium monopoly was not the only, and not even necessarily the best, way of securing the aim of the limitation of opium production to medical and scientific needs". That sentence did not reflect the view of the Commission because even France, which had proposed an alternative solution, had agreed that the best method was to establish an international monopoly. A majority of the members of the Commission had considered that a monopoly was the best method of achieving the objective sought. That should be clearly indicated in the report.

Mr. HOARE (United Kingdom), Rapporteur, was prepared to replace the word "thorough" by the word "adequate". The Commission had considered that it was pointless to continue the discussion of a monopoly.

Moreover, some members had believed that a monopoly was the best solution while others had not /<sup>admitted</sup> that it was the best solution. He had recorded the various expressions of opinion, but the Commission had not reached a decision in the matter. If it did so, he would indicate the opinion of the Commission as a whole in the report.

/Mr. ANSLINGER

Mr. ANSLINGER (United States of America) and Mr. SHARMAN (Canada) stated that they were satisfied with the text prepared by the Rapporteur.

Mr. KRASOVEC (Yugoslavia) would also prefer that the text should not be modified. No delegation seemed to be opposed to a monopoly, at least in principle, but so many divergent opinions had been expressed that it would be difficult at present to describe the attitude of the Commission at all accurately.

Mr. AMINI (Iran) reiterated that a majority of the Commission considered that the best solution was to establish a monopoly. The Commission had discontinued its discussion of the draft monopoly only because of the difficulties which now stood in the way of the implementation of that draft. On that the French and English texts of the report did not tally.

Mr. STEINIG (Secretariat) stated that he had studied the summary record of the meetings very carefully and had prepared extracts which proved that during the first two weeks of the session the Commission had by a large majority declared itself in favour of a monopoly; even when the French proposal had been accepted as the basis of discussion, all members except two had maintained their position. Since, as at present drafted, the report might give the impression that opinion had been equally divided, it would be better to change the last paragraph to read: "Most of the members expressed the view that an international monopoly was the best method for the solution of the difficult problems connected with this aim but recognized that progress could not be made for the time being; some of the members expressed the conviction that the idea of an international monopoly would be taken up again in the future."

Mr. HOARE (United Kingdom), Rapporteur, would not oppose that drafting if the Commission approved it.

/Mr. SHARMAN

Mr. SHARMAN (Canada) did not think it advisable to present new proposal in the final reading. The members of the Commission had studied the text prepared by the Rapporteur but had not had time to consider the new formula which seemed to imply that opinion had been divided between those who considered the establishment of a monopoly to be <sup>an</sup> ideal solution and those who accepted that solution in principle but thought that the present moment was not favourable for its adoption. In other words, one gained the impression that all members had approved the principle of a monopoly. That was not the case, however. He himself had always opposed that principle.

Mr. ANSLINGER (United States of America) approved of the text drafted by the Rapporteur. At most a few corrections might be added to make the text quite clear. He himself did not remember the exact number of members who considered a monopoly as the ideal solution but he was prepared to accept a draft which implied that most of the members had been of the opinion that a monopoly was the best method. Nevertheless, the decision in the matter rested with the Commission.

The CHAIRMAN proposed that the Secretariat draft should be put to the vote.

Mr. AMINI (Iran) admitted that the representative of Canada had always categorically opposed a monopoly but pointed out that was not true of the majority of the Commission. The representative of Canada could ask that the report should indicate his point of view, although that point of view was already explained in the summary records of the meetings.

The draft proposed by the Secretariat was acceptable. He could not, however, see how the Commission could be called upon to vote on what its position had been at an earlier stage of the debate. That position was a fact, as inscribed in the summary records, and a vote could not change it.

/Mr. KRASOVEC

Mr. KRASOVEC (Yugoslavia) was unable to vote on the Secretariat text. He had not been present at all meetings and was not in a position to make the necessary verification as he did not have the summary records at hand.

Mr. STEINIG (Secretariat) cited an extract from the summary record E/CN.7/SR.133, page 11. At that meeting the representative of Yugoslavia had pointed out that only two or three delegations had opposed the principle of an international monopoly. In common with the great majority of the members of the Commission, he had expressed his conviction that the creation of the monopoly would be the best way of limiting the use of opium to medical and scientific needs.

The CHAIRMAN put to the vote the text proposed by the Secretariat. That text was adopted by 5 votes to 2, with 5 abstentions.  
Paragraph A was adopted as amended.

Paragraphs B, C and D

Paragraphs B, C and D were adopted.

Paragraph E

Mr. AMINI (Iran) pointed out that the draft French protocol had not been presented before the opening of the session. Accordingly, the various members had indicated that the results of the discussions could not be binding on their governments. The report should mention that reservation.

Mr. HOARE (United Kingdom), Rapporteur, said that he would incorporate a reference to that reservation at an appropriate place in the report.

It was so decided.

/Paragraph F

Paragraph F

Mr. HOARE (United Kingdom), Rapporteur, made a correction to the English text of sub-paragraph i (b), (i). In the last line the word "therewith" should be replaced by the words "with that country".

Paragraph G

Paragraph G was adopted.

Paragraph E

Mr. ZAKUSOV (Union of Soviet Socialist Republics) thought it was not quite exact to state that the French proposal had received the full approval of the Commission. The USSR representative had criticized that proposal and his remarks should be mentioned in the report, with an indication that he saw no particular merit in the draft protocol, by comparison with the conventions already in force.

Mr. KAMEL FAHMY (Egypt) suggested that the text should be altered to read: "The Commission, with the exception of the representatives of Poland and the USSR, greatly appreciated...."

After a brief discussion, Mr. HOARE (United Kingdom), Rapporteur, proposed the following text: "The Commission expressed appreciation of the French initiative, and decided to make the French proposal the basis of its discussion. The USSR and Polish representatives dissented..." That text could then be followed by a brief summary of the reasons for the position taken by those two delegations.

It was so decided.

Paragraphs I to O inclusive

Paragraphs I to O inclusive were adopted.

Paragraph P

Mr. AMINI (Iran) proposed that the text of the paragraph entitled "Limitation of licit trade in opium" should be revised to read as follows: "The representatives of producing countries held the view that production

/could be

could be limited only by limiting the number of producing countries; thus, only opium originating in countries which had been recognized at the Ankara conference of 1949 as producing and exporting countries should be the subject of licit trade. This proposal was generally accepted by representatives of drug-manufacturing countries."

Mr. ANSLINGER (United States of America) pointed out that the proposal had been generally accepted by the members of the Commission, not merely by the representatives of drug-manufacturing countries. He therefore suggested that the words "by representatives of drug-manufacturing countries" should be omitted.

Mr. SHARMAN (Canada) expressed considerable surprise that the paragraph contained no reference to the objections raised by the consumer countries.

Mr. KAMEL FAHMY (Egypt) shared the view of the Canadian representative. He had pointed out that to limit the licit trade in opium without control of prices would be to disregard the elementary principles of supply and demand.

Mr. HOARE (United Kingdom), Rapporteur, said that the objections raised by the representatives of Canada and Egypt were covered in V (iii). He accepted the amendments of the United States and Iran.

Mr. KAMEL FAHMY (Egypt) also agreed to those amendments, but proposed the addition, at the end of the paragraph, of the words "although objections were raised by some representatives of consumer countries."

It was so decided.

Mr. AMINI (Iran) could not support the text of the paragraph entitled "Local inquiries". It was inexact to say that objections had been raised to the system of local inquiry, on the grounds of the principle of sovereignty,

/objections

objections similar to those raised in the discussion of the system of international inspection. The representative of France had himself altered his text by adding that local inquiries could take place only with the consent of the government concerned. Moreover, the Commission had been of the opinion that there could be no embargo until local inquiries had taken place, and that a certain gradation in the order of sanctions should be established.

Mr. HOARE (United Kingdom), Rapporteur, recalled that the Commission had discussed that question, <sup>at length.</sup> It was true that the representative of Iran had not raised the same objections as had been raised in the discussion of the system of international inspection, but other members of the Commission, in particular the representative of Peru, had argued at length in support of the principle of national sovereignty.

Mr. AMINI (Iran) proposed a simplification of the wording of the first sub-paragraph; the text might simply recall the opinion expressed to the effect that no inquiry could take place without the consent of the country concerned.

Mr. HOARE (United Kingdom), Rapporteur, proposed that the first sentence of the sub-paragraph in question should be omitted, and that the second sentence should be revised to read as follows: "It was suggested that, on the grounds of the principle of sovereignty, no inquiry should be made...."

It was so decided.

Mr. AMINI (Iran) proposed that the second sub-paragraph should be revised to read as follows: "...that a country rejecting a local inquiry should be liable to an automatic embargo".

It was so decided.

Section P was adopted as amended.

Paragraphs Q to W inclusive

Paragraphs Q to W inclusive were adopted.

/Paragraph X



Paragraph X

Mr. AMINI (Iran) said that the Commission as a whole had never been of the opinion that a system of limiting the amount of stocks would encourage the illicit traffic in opium. That idea had been suggested by the Chairman, but he had considered that such cases were unlikely to arise and had not pressed his suggestion. Accordingly, the representative of Iran thought it quite unnecessary to mention that opinion in the report.

Mr. STEINIG (Secretariat) recalled his former statement on the question. He had said that once a producing country's stocks had attained the maximum permitted, that country might be forced to submit self-incriminating statistics which would lead the Permanent Central Board to apply sanctions. Such circumstances might well affect the integrity of the officials responsible for collecting the opium crop. One or two members of the Commission had endorsed that idea in a slightly different form.

Mr. HOARE (United Kingdom), Rapporteur, said, in reply to the representative of Iran, that the first sentence of V (vi) made it plain that the Commission as a whole did not share that view. The French text should be corrected if it gave the impression that all the members of the Commission were of that opinion. Nevertheless, that argument -- the only one which had been presented in opposition to the system of maximum stocks -- should be mentioned in the report.

The CHAIRMAN proposed that paragraph X should be revised to read as follows:

"The opinion was expressed that a system of limiting the amount of stocks any country was permitted to hold would in the case of the opium producing countries result in the necessity of submitting self-incriminatory statistics to the Board; this could not be considered as an incentive to the authorities concerned to collect all the opium crop if this would result in stocks greater than the maximum."

The final sentence of the paragraph would be repeated.

/The Chairman's

The Chairman's proposal was adopted.  
Paragraph X, as amended, was adopted.

Paragraphs Y and Z

Those paragraphs were adopted.

Paragraph AA (sub-paragraph (vii))

Mr. AMINI (Iran) could not agree to the sentence stating that any stocks of opium held by farmers in opium producing countries other than stocks illicitly held by them would have to be included in the computation. In his opinion, all stocks held by authorized farmers were legal in the same way as the stocks held by the national monopoly.

Mr. MAY (Permanent Central Opium Board) recalled that it was he who had insisted on that point. If the Permanent Central Opium Board was to supervise the implementation of the protocol, it would have to have a definite idea of all amounts of opium held by farmers after the harvest. Such stocks were the chief sources of illicit traffic and it would be a mistake to fail to take them into account.

Mr. HOARE (United Kingdom), Rapporteur, said that the Commission had decided that all amounts of opium held by the farmers should be included in the computation of stocks. Even if it was impossible to determine the exact size of such stocks, it was essential to express the Commission's view on the subject clearly.

The CHAIRMAN did not think there was any need to single out the stocks held by farmers for special mention. Between the farmer and the monopoly opium passed through the hands of a number of intermediaries who held legal stocks. There was therefore no reason to make an exception in the case of the farmers if no mention was made of all the possible intermediaries.

Mr. OR (Turkey) also felt that it was useless to mention those details. In Turkey, the farmers were no longer authorized to hold stocks after a certain date; if an authorized farmer held stocks after that date it was considered a case of illicit traffic.

/The representatives

The representatives of Canada and the United States were not themselves in a position to state the exact quantity of the illegal stocks of heroin in their countries. Illegal stocks were always seized as soon as they were discovered by the authorities.

The Turkish Government would therefore indicate the amounts of stocks held by the monopoly and by the State at the end of the year; all other stocks would be illicit.

The CHAIRMAN repeated that in his opinion all the stocks held at any stage during the collecting operations were legal.

Mr. MAY (Permanent Central Opium Board) recalled that, during the discussion, certain members of the Commission had emphasized the difficulties encountered by the producing countries in determining the size of the crop owing to the delays in collecting. Some mention of that discussion should be included in the report. If the stocks did not cover the whole of the crop, no control would be possible.

Mr. AMINI (Iran) could not agree with Mr. May. The producing countries had undertaken to include delayed harvests in the final statistics but there was no need to stress the stocks held by the farmers in the report. In any case these details were quite useless since what mattered was the definition in the protocol.

The CHAIRMAN proposed that the first two sentences of sub-paragraph (vii) should be retained; that the <sup>third and</sup>fourth sentence should be deleted; that the fifth sentence should be retained, and a sixth sentence added as follows: "These stocks would cover not only the stocks in the warehouses of the monopoly but all other stocks legally held in the country at that date".

The Chairman's proposal was adopted.

Sub-paragraph (viii)

Sub-paragraph (viii)

Mr. HOARE (United Kingdom), Rapporteur, said that in sub-paragraph (viii) (1) the words "and medicinal" should be inserted after the word "raw".

Sub-paragraph (viii), as amended, was adopted.

Sub-paragraphs (ix) to (xii)

Sub-paragraphs (ix) to (xii) were adopted.

Sub-paragraph (xiii)

Mr. AMINI (Iran) pointed out that the drafting of the final paragraph was not satisfactory. The text did not make it sufficiently clear that an appeal would have a suspensive effect.

Mr. HOARE (United Kingdom), Rapporteur, proposed the following drafting for the second sentence of the final paragraph under sub-paragraph (xiii): "This arrangement... an embargo and the notification of an appeal would have the effect of suspending the Board's decision pending the appeal".

Sub-paragraph (xiii), as amended, was adopted.

Sub-paragraph (xiv)

Sub-paragraph (xiv) was adopted.

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

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

The CHAIRMAN observed that all the paragraphs of the report of the sixth session of the Commission to the Economic and Social Council had been adopted, and asked members whether they wished to vote on the report as a whole.

Mr. BORATYNSKI (Poland) said that under the rules of procedure the Chairman should call for a vote on the report as a whole.

The report on the sixth session of the Commission to the Economic and Social Council as a whole, as amended, was adopted by 10 votes to 2.

/Mr. ZAKUSOV

Mr. ZAKUSOV (Union of Soviet Socialist Republics) felt sure that the reasons for his opposition had been well understood by the other members of the Commission. All his proposals had been rejected. Instead of discussing the draft single convention, as advocated by the USSR Government, the Commission had devoted most of its session to discussing the plan for an international monopoly and then the protocol submitted by the French representative.

Mr. BORATYNSKI (Poland) recalled that his delegation's views had already been outlined on several occasions. As he had been opposed to the inclusion in the agenda of some of the items which had taken up so much of the Commission's time, he was obviously unable to vote in favour of the report of that session.

Mr. ANSLINGER (United States of America) remarked that members of the Commission had not received the report of the fifth session until several months after its end. Its publication should be expedited so that members could report to their Governments without too much delay. He asked the Secretariat to give some assurances on that score.

The CHAIRMAN said that the report should be published at the latest six weeks before the session of the Economic and Social Council to be held at the end of July. He hoped therefore that members of the Commission would receive the report in question during the second half of June.

Mr. BOURGOIS (France) thanked the President and paid tribute to the patience and impartiality with which he had presided over the discussions. He also paid tribute to the devotion and tenacity of the Rapporteur and to his complete impartiality. The Division of Narcotic Drugs had placed at the disposal of the Commission a documentation that was a credit to the United Nations. After thanking the interpreters and precis-writers whose work had given full satisfaction to the Commission, he emphasized the importance of the personal contribution made by the Director of the Division of Narcotic Drugs. When trying to establish the system of an international opium monopoly, the Commission

/had come

had come up against insurmountable obstacles. It had been wise enough to try to circumvent the obstacle while awaiting more propitious days. In that connexion, he recalled the Japanese proverb: "If in haste, go round".

Mr. AMINI (Iran) and Mr. OR (Turkey) associated themselves with the statement made by the French representative.

Mr. ANSLINGER (United States of America) also thanked the Chairman and the Secretariat, and remarked that the Commission would have been able to reach concrete results sooner if it had completely left aside the question of an international monopoly.

Mr. ZAKUSOV (Union of Soviet Socialist Republics), on behalf of the USSR Government, thanked the interpreters and translators for their excellent work.

The CHAIRMAN wished to express his gratitude to the Division of Narcotic Drugs of the Secretariat. The Commission could be proud of the work it had accomplished. He thanked the representatives of France who had made a solid contribution to the discussion and also the Rapporteur who had taken part in the work of all the sub-committees and had had much work to do. He also wished to express his thanks to the Egyptian representative who, as second Vice-President of the Commission, had had to preside over several meetings.

Mr. HOARE (United Kingdom), Rapporteur, thanked the Chairman and the French representative for their kind words. He emphasized the considerable part played by the Secretariat in the drafting of the report. The impartiality praised by the members of the Commission, was the result of that contribution.

The CHAIRMAN declared the session closed.

The meeting rose at 5 p.m.

11/6 p.m.