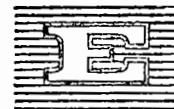
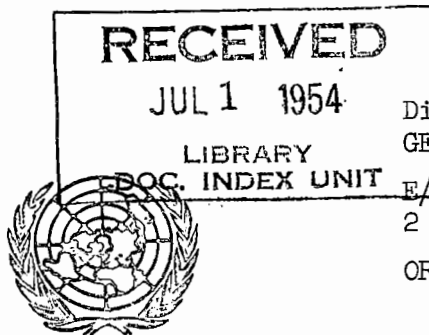


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COMMISSION ON NARCOTIC DRUGS

Ninth Session

SUMMARY RECORD OF THE TWO HUNDRED AND FIFTY-SECOND MEETING

Held at Headquarters, New York,
on Friday, 7 May 1954, at 3.40 p.m.

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6/Add.1, E/CN.7/L.48, L.65/Rev.1, L.72 and L.73) (continued)

PRESENT:

<u>Chairman:</u>	Mr. VAILLE	France
<u>Rapporteur:</u>	Mr. KRISHNAMOORTHY	India
<u>Members:</u>	Mr. SHARMAN	Canada
	Mr. LIANG	China
	Mr. ISMAIL	Egypt
	Mr. PANOPOULOS	Greece
	Mr. ARDALAN	Iran
	Mr. RABASA	Mexico
	Mr. LAZARTE	Peru
	Mr. FORYS	Poland
	Mr. OZKOL	Turkey
	Mrs. VASILYEVA	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. ANSLINGER	} United States of America
	Mr. GOLDSTEIN	
	Mr. NIKOLIC	Yugoslavia
<u>Observers:</u>	Mr. DANNER	Federal Republic of Germany
	Mr. van MUYDEN	Switzerland
<u>Also present:</u>	Mr. MAY	Permanent Central Opium Board

Representatives of non-governmental organizations

<u>in Category B:</u>	Mr. LONGARZO	International Conference of Catholic Charities
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
<u>Secretariat:</u>	Mr. YATES	Director, Division of Narcotic Drugs
	Mr. LANDE	Division of Narcotic Drugs
	Mr. PASTUHOV	Secretary of the Commission

RATIFICATION OF THE 1953 PROTOCOL

Mr. YATES (Secretariat) announced that the Canadian Government had on that day deposited with the Secretary-General of the United Nations its instrument of ratification of the 1953 Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium.

DRAFT SINGLE CONVENTION (E/CN.7/AC.3/3/Rev.2, 4/Rev.1, 5, 5/Add.1, 6, 6/Add.1, E/CN.7/L.48, L.65/Rev.1, L.72 and L.73) (continued)

Section 40

The CHAIRMAN called on the Commission to examine paragraph by paragraph the revised text (E/CN.7/L.65/Rev.1) of the United Kingdom amendment to section 40 of the draft single convention.

Paragraph 1

The CHAIRMAN suggested that the words "offering, offering for sale" should be translated into French by "l'offre, la mise en vente", in accordance with the wording adopted in the 1936 Convention.

Mr. NIKOLIC (Yugoslavia) asked the purpose of the words between square brackets in paragraph 1, sub-paragraph (a), and in particular whether the words "conversion, extraction, preparation" in brackets after the word "manufacture" were intended as an amplification or whether they were possible alternatives to the word "manufacture".

Mr. WALKER (United Kingdom) explained that the words in square brackets had been included in order to take into consideration the view of those who considered that some of the offences listed in article 2 of the 1936 Convention were neglected in the original text (E/CN.7/L.65) of the United Kingdom amendment. Although he did not share that view, he had agreed to add the words in brackets, i.e. the words included in article 2 of the 1936 Convention, but omitted from the

original United Kingdom amendment. It would thus be left to the international conference which would be convened to adopt the single convention to decide whether the words in brackets should be retained in order to ensure that all the offences referred to in the 1936 Convention were covered.

Mr. NIKOLIC (Yugoslavia) agreed to the retention of the words in brackets, but felt that their purpose should be explained in a footnote.

Mr. KRISHNAMOORTHY (India) observed that in all the time that the Commission had been working on the draft single convention, there had been no previous proposal to leave a text in an unfinished form. He thought that to do so would set a regrettable precedent.

Mr. GOLDSTEIN (United States of America), supported by Mr. RABASA (Mexico), proposed that the brackets should be dropped. The section in question related to penal provisions, and legal texts should always be clear and precise.

Mr. WALKER (United Kingdom) agreed to the deletion of the brackets.

The CHAIRMAN proposed that the word "including" should be inserted after "manufacture".

Mr. PANOPOULOS (Greece) supported the Chairman's proposal.

Mr. KRISHNAMOORTHY (India), supported by Mr. ISMAIL (Egypt), Mr. LIANG (China) and Mr. DANNER (Observer from the Federal Republic of Germany) recalled that in section 1, sub-paragraph (m) of the draft single convention, the word "manufacture" was defined as follows: "'Manufacture' denotes all processes other than production by which drugs may be obtained and includes the transformation of drugs by chemical processes (conversion)". It was therefore unnecessary to specify in section 40 what was already stated in the first section. The words in brackets could be deleted altogether.

The CHAIRMAN ruled that the Commission must abide by the decision it had taken at its preceding meeting; it should consequently retain the words "conversion, extraction, preparation". In view of the fact, however, that those operations related to manufacture, he proposed that the beginning of sub-paragraph 1 (a) should be redrafted to read "(a) cultivation, production, manufacture including conversion, extraction and preparation, possession, etc...".

It was so decided.

It was also decided to delete the brackets.

The CHAIRMAN recalled that the Commission had decided that the words "narcotic drugs" should always be translated into French by "stupéfiants". In the section under consideration, that decision applied to paragraphs 1 (a) and 4.

There were no comments on paragraphs 2 and 3.

Mr. RABASA (Mexico) asked, with reference to paragraph 4, that the word "seizure" should be translated into Spanish by "aprensión" and the word "confiscation" by "decomiso". The Mexican Constitution prohibited confiscation as a judicial penalty, but permitted seizure (decomiso). If the text were to state that "any drugs etc., shall be liable to confiscation," the Mexican delegation would be unable to accept it.

He also asked that the words "narcotic drugs" should henceforth be translated by "estupefacientes" rather than "drogas", and that the English word "section" should be translated by "artículo".

It was so decided.

There were no comments on paragraphs 5 and 6.

The United Kingdom amendment (E/CN.7/L.65/Rev.1), as amended, was adopted in principle by 11 votes to none, with 3 abstentions.

Mr. NIKOLIC (Yugoslavia) explained that he had abstained in the vote because he felt that save for paragraph 1, the amendment as it stood had no practical application.

The CHAIRMAN, speaking as the French representative, said that he had voted for the amendment because it was a compromise text and represented a marked improvement over the original text.

Section 41

Mr. GOLDSTEIN (United States of America) thought that the present text of section 41 was inadequate. He had therefore proposed a new text (E/CN.7/L.72), drafted in the same spirit as the amendment (E/CN.7/L.54) which had been recently presented by his delegation, had elicited the approval of the WHO representative, and had been adopted by the Commission. He pointed out that the word "to" before the word "undertake", in the second line of the English text, should be deleted.

Mr. SHARMAN (Canada) and Mr. PANOPOULOS (Greece) supported the amendment.

Mr. ISMAIL (Egypt) said that he would vote for the United States amendment, but proposed the insertion of the word "medical" before the word "treatment".

It was so decided.

Mr. WALKER (United Kingdom) stated that he would be unable to vote for the United States text. In some countries, in which there were a large number of drug addicts, confinement in specialized institutions might be called for. On the other hand, countries in which drug addiction was rare would consider such measures unnecessary. Lastly, some countries would not have the necessary resources to give effect to the recommendations.

Mr. KRISHNAMOORTHY (India) shared the United Kingdom representative's view. The United States amendment was an entirely new proposal, which had not been mentioned in the observations on section 41 contained in the comments on the draft single convention and in document E/CN.7/L.48. The problem of drug addiction was not as acute in India as in some countries, and the Indian Government saw no need to create special institutions for the care of addicts. His delegation would therefore be unable to support the United States amendment.

Mr. RABASA (Mexico) approved of the amendment in principle; however, in view of the objections of the United Kingdom and Indian representatives, he proposed that the word "institutions" in the United States amendment should be replaced by the following text: "and duly authorized institutions in those States where the seriousness of the problem of drug addiction and their economic resources warrant such measures".

Mr. van MUYDEN (Switzerland) agreed that the present text of section 41 was very vague; the text of the United States amendment, however, while more precise, would be difficult to apply in Switzerland, as article 15 of the Swiss Federal Law neither established an obligation to report drug addicts nor provided for their compulsory confinement. His delegation understood the concern of the United States delegation, however, and would be able to vote for the amendment if the addition proposed by the Mexican delegation, which took into account the specific conditions in each country, was adopted.

Mr. NIKOLIC (Yugoslavia) was unable to support the amendment, as in his country there was no serious problem of drug addiction and the proposed measures were unnecessary.

Mr. OZKOL (Turkey) said that in his country, although there was no serious problem, a law had recently been enacted providing that drug addicts could, by decision of a court, be sent to a hospital for treatment in a special ward until cured. His delegation would therefore vote in favour of the United States amendment.

Mr. ARDALAN (Iran) thought that the idea expressed in the amendment was worth retaining. It corresponded to the policy Iran was pursuing within the limits of its resources, and it would not impose any obligation on States.

The CHAIRMAN, speaking as the French representative, remarked that section 41 was the only section to deal with the human aspect of the problem of drug addiction. Drug addicts were sick persons and a convention designed to eliminate drug addiction must of necessity refer to their treatment. For social

reasons, it was important to rehabilitate drug addicts, and such rehabilitation could be effected only in closed institutions. That was the idea underlying the United States amendment and supported recently by the WHO representative.

The United States amendment (E/CN.7/L.72), as drafted, could be accepted by all countries. Even in countries in which drug addiction was not a serious problem, the Governments could be "cognizant of the importance" of taking the proposed measures. The words "properly conducted institutions" left considerable latitude to Governments. The cost of the proposed measures would be high in countries in which there were many drug addicts and in those which wished to establish model institutions, but not in countries in which there were few drug addicts or which were satisfied with reorganizing the existing services. Moreover, the costs thus incurred would be largely offset by the decreasing costs of maintaining police and suppression services. The Mexican oral amendment would make the United States amendment still more readily acceptable to all countries. His delegation would vote both for the United States amendment and for the Mexican oral amendment to it.

Mr. GOLDSTEIN (United States of America) was prepared to support the Mexican oral amendment.

The Mexican oral amendment was adopted by 12 votes to none, with 3 abstentions.

The United States amendment (E/CN.7/L.72), as amended, was adopted by 13 votes to 1, with 1 abstention.

Mr. KRISHNAMOORTHY (India) explained that he had abstained in the vote on the Mexican oral amendment because he had not had enough time to study it.

Mr. WALKER (United Kingdom) said he had abstained on the United States amendment, despite the adoption of the Mexican oral amendment, because he thought it premature to adopt texts that many countries would not be in a position to apply.

The CHAIRMAN proposed that the Commission should ask WHO for its opinion of section 41.

It was so decided.

Section 42

The CHAIRMAN proposed that the Commission should adopt the section which contained only customary provisions as it stood.

It was so decided.

Section 43

The CHAIRMAN drew attention to the provisions of article 21 of the 1953 Protocol, which made the coming into force of the Protocol contingent on ratification by twenty-five States including at least three of the producing States (Bulgaria, Greece, India, Iran, Turkey, Union of Soviet Socialist Republics and Yugoslavia) and at least three of the manufacturing States (Belgium, France, Federal Republic of Germany, Italy, Japan, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America). He proposed that ratification by at least twenty-five States should be required for the coming into force of the convention.

It was so decided.

Mr. NIKOLIC (Yugoslavia) proposed that the words "such States shall include five of the following" should be replaced by "such States shall include six of the following", in order to bring the text into conformity with the corresponding article of the 1953 Protocol.

It was so decided.

Mrs. VASILYEVA (Union of Soviet Socialist Republics) proposed that the German Democratic Republic should be included in the list of manufacturing States.

The CHAIRMAN put to the vote the insertion in section 43 of the list of producing States given in article 21 of the 1953 Protocol.

The proposal was adopted by 14 votes to none.

The CHAIRMAN put to the vote the USSR proposal to insert the name of the German Democratic Republic in the list of manufacturing States.

The USSR proposal was rejected by 8 votes to 2, with 4 abstentions.

The CHAIRMAN put to the vote the insertion in section 43 of the list of manufacturing States contained in article 21 of the 1953 Protocol.

The proposal was adopted by 12 votes to 2.

Mr. RABASA (Mexico) said that in the Spanish text of section 43, paragraph 1, "section 46" should be replaced by "section 42".

The meeting rose at 4.50 p.m.