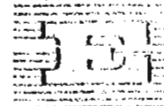


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COMMISSION ON NARCOTIC DRUGS

Sixth Session

SUMMARY RECORD OF THE ONE HUNDRED AND FORTY-SIXTH MEETING

Held at Headquarters, New York,
on Tuesday, 15 May 1951, at 10 a.m.

CONTENTS:

Other business (E/CN.7/222)

<u>Chairman:</u>	Mr. SATTANATHAN	India
<u>Rapporteur:</u>	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
<u>Members:</u>	Colonel SHARMAN	Canada
	Mr. WEI	China
	Mr. KAMEL FAHMY	Egypt
	Mr. BOURGOIS)	France
	Mr. VAILLE)	
	Mr. AMINI	Iran
	Mr. SCHELTEMA	Netherlands
	Mr. CABADA	Peru
	Mr. ZAKUSOV	Union of Soviet Socialist Republics

Members: (Continued)

Mr. ANSLINGER	United States of America
Mr. KRASOVEC)	
Mr. NIKOLIC)	Yugoslavia

Also present: Mr. MAY Permanent Central Opium Board

Secretariat: Mr. STEINIG Director, Division of Narcotic Drugs
Mr. BOLLON Secretary of the Commission

OTHER BUSINESS (E/CN.7/222)

Official Records: Journal of the United Nations

The CHAIRMAN recalled that the Canadian representative had asked the Secretariat why the decision taken by the Commission at its 144th meeting, on the proposal of the Iranian representative, to set up a second sub-committee to find a common ground for the two aspects of the provisional draft agreement prepared by the Secretariat had not appeared in the Journal of the United Nations, No. 95, of Thursday, 10 May 1951; he asked the representative of the Secretary-General to reply to that question.

Mr. STEINIG (Secretariat) pointed out that the Journal of the United Nations was not a summary record. In the summary of meetings the Secretariat recorded only the decisions directly related to the item on the agenda of the meeting. The item on the agenda of the 144th meeting was the report of the Committee appointed to consider the Draft Protocol to adapt the provisions of 1931 Convention to opium; the summary of the 144th meeting of the Commission on Narcotic Drugs consequently referred to all the decisions related to the French proposal; the other decisions were not mentioned. Thus, there was no reference to the decision taken by the Commission on the United Kingdom proposal to take a joint vote on the two sub-paragraphs of paragraph 18 of the Committee's report (Conference Room paper No. 9).

/Colonel SHARMAN

Colonel SHARMAN (Canada) was not satisfied with the explanation given by the representative of the Secretary-General. The Iranian proposal, in his opinion, was directly related to the item under discussion; the Commission's decision on that proposal had resulted in clarifying the discussion by finally getting rid of a matter which had constantly cropped up and impeded the examination of the French proposal. Since an important decision taken by the Commission had not been mentioned in the Journal, an official United Nations document, he would like to know who was responsible for drafting and revising the material it contained.

Mr. STEINIG (Secretariat) replied that summaries of meetings of the Commission on Narcotic Drugs for the Journal were drafted by the Division of Narcotic Drugs, but the editor of the Journal could amend the text when he deemed fit.

Official Records: summary records of meetings

Mr. AMINI (Iran) complained of the delay in the distribution of the provisional summary records limited to participants only. Because of that delay members of the Commission frequently received several summary records simultaneously that did not give them time to submit their corrections within the time-limit.

Colonel SHARMAN (Canada) expressed his regret that the provisional summary records were not distributed more speedily.

Mr. HOARE (United Kingdom) thought that the time-limit allowed for sending corrections to Lake Success was too short.

Mr. AMINI (Iran) wanted the corrigenda to document E/CN.7/SR.133, which he had submitted too late to the Language Services Division and which had been refused, to appear in the summary records of the current meeting. Those corrigenda were as follows:

At the end of the first sentence of the fifth paragraph of his first speech, the words "the concept of a 'normal year' was too elusive", should be deleted.

/The sixth

The sixth paragraph of that speech should read as follows:

"In reference to Chapter V (International Control) the Yugoslav representative had asked that it should be stated in what cases replies from Governments would be regarded as unsatisfactory. The Yugoslav proposal had not been followed. With regard to Chapter V, paragraph 1, sub-paragraph (b), the wording provided that sanctions could be imposed upon governments which had not supplied estimates, whereas the setting up of estimates by the Supervisory Body for such governments was in itself a sanction".

Mr. NIKOLIC (Yugoslavia) pointed out that, on the proposal of the United States representative, the Commission had asked for the summary records of the informal meetings of members of the Commission to be published as an annex either to the summary record of a later meeting or to the Commission's report to the Council. As there would be corrigenda to those summary records, he would like to know what action the Secretariat had taken with regard to that request.

Mr. STEINIG (Secretariat) explained that the difficulty lay in the fact that those meetings were not meetings of the Commission. The Chairman had specifically emphasized the fact that they were informal meetings of the members of the Commission; the Secretariat, therefore, was not in a position to publish the summary records of those meetings.

Mr. WEI (China) was very sorry to learn that it did not seem possible to publish those documents. The informal meetings had been particularly important, and it was quite clear that the members of the Commission had taken part as the representatives of their governments. He was sure that there were precedents and that the Commission could ask for those documents to be published in one form or another. It was essential that the Economic and Social Council should be able to take cognizance of the summary records of those debates, some of the most important which the Commission had held. It should not be forgotten that those debates had led the Commission to decide to take the French proposal into consideration.

/Mr. HOARE

Mr. HOARE (United Kingdom) also thought that it would be extremely regrettable if those summary records could not be published since the impression would be conveyed that there was something to hide. The members of the Commission had held informal meetings, not because they wished to shroud their discussions in secrecy, but simply because they wished to avoid giving them too much publicity at that time. Some members had proposed that the Commission should hold closed meetings, but the Chairman himself had suggested the solution which the Commission had subsequently adopted because it feared that closed meetings might give rise to unjustified suspicions. Undoubtedly, however, if the members of the Commission could have foreseen that their decision would entail the records of those discussions being kept permanently secret, they would have insisted on holding closed meetings, of which the records would subsequently be published.

The CHAIRMAN noted the consensus of opinion was that those summary records should be published. The document incorporating them all might not, however, be ready before the end of the current session. In any case, it seemed essential for the members of the Commission to submit their corrigenda to those summary records to the Language Services Division by Monday, 21 May at 10.30 a.m. at the latest.

Mr. ANSLINGER (United States of America) wanted the summary record of the meeting to give a clear indication of the wishes of the Commission on Narcotic Drugs regarding the publication of those documents.

2. Burmese proposal for the establishment of a United Nations Committee to co-ordinate the efforts of certain Far Eastern Governments to suppress poppy cultivation and the smuggling of opium.

The CHAIRMAN opened the discussion on the draft resolution prepared by the Secretariat and the United States draft amendment to that proposal (Conference Room Papers Nos. 10 and No. 10/Add.1).

(a) First paragraph of the preamble

Mr. ZAKUSOV (Union of Soviet Socialist Republics) pointed out that the United Nations could not send a communication to the government of a Chinese province. He proposed the deletion of any reference to Yunnan.

/Mr. CABADA

Mr. CABADA (Peru) said the Peruvian delegation believed that the draft resolution should not be adopted. The United Nations could not make official contact with a region which was not a State, and which, in any case, being part of Communist China, was not recognized by the United Nations as a whole.

The CHAIRMAN proposed the substitution of the words "and to certain neighbouring countries" for the words "of Indochina, Thailand and Yunnan".

It was so decided.

(b) Second paragraph of the preamble

No comments.

(c) Third paragraph of the preamble

Mr. AMINI (Iran) noted that the Commission had decided to request the Secretary-General to communicate the Burmese proposal, together with the summary records of the relevant meetings of the Commission, to the governments concerned. In his opinion the third paragraph did not tally with the wishes of the Commission and he therefore proposed its deletion.

The CHAIRMAN stated that the Commission had before it two amendments to the third paragraph of the preamble: the United States draft amendment contained in Conference Room Paper No. 10/Add.1 and the Iranian proposal for the deletion of that entire paragraph. He would first put to the vote the United States draft amendment and then, if necessary, the Iranian amendment.

He called for a vote on the United States draft amendment.

The amendment was adopted by 7 votes to 1, with 4 abstentions.

(d) Operative part of the resolution

Mr. KRASOVEC (Yugoslavia) urged that when a State proposed that the Commission should take action to suppress opium cultivation and opium smuggling, it was the duty of the Commission to give consideration to that proposal and to comply with the wishes of the State requesting assistance. Nevertheless, it was clear that a committee of the kind suggested could not be set up at the request of a single State. The Yugoslav delegation was, therefore, in favour of the

/draft resolution

draft resolution. Finally, to avoid raising a political question, he proposed that the operative part should be modified and the words "of Burma, France and Thailand" replaced by the words "of neighbouring States".

Mr. STEINIG (Secretariat) pointed out that it was the responsibility of the Commission to designate the States to which the Secretary-General should communicate the Burmese proposal. The responsibility for the choice of the States to which that proposal should be submitted did not rest with the Secretary-General.

The CHAIRMAN put to the vote the Yugoslav draft amendment.

The amendment was rejected by 8 votes to 1, with 3 abstentions.

Mr. KAMEL FAHMY (Egypt) proposed that the Commission should add to the operative part of the draft resolution prepared by the Secretariat, a second paragraph reading as follows:

"Requests the Governments of Burma, France and Thailand in the meantime to study the possibility of establishing a regional office for the control of narcotic drugs in the Far East, composed of the representatives of all governments concerned, to co-ordinate their efforts to suppress poppy cultivation and opium smuggling." *

Mr. VAILLE (France) supported the Egyptian representative's proposal.

Mr. AMINI (Iran) thought that the Commission could not make any addition to the operative part without hearing the representative of Burma. He doubted whether a precedent for such procedure could be found. In any case the suggestion of the representative of Egypt would appear in the summary record of the meeting which would be sent to the governments concerned.

Mr. HOARE (United Kingdom) expressed the view that, if that amendment were adopted, it would prejudice the solution of the problem raised by the Burmese representative. The matter seemed to involve a substantive question which could not be discussed in the absence of that representative.

/The CHAIRMAN

The CHAIRMAN shared that view and asked the representative of Egypt to withdraw his draft amendment.

Mr. KAMEL FAHMY (Egypt) maintained his position.

The CHAIRMAN put to the vote the Egyptian draft amendment.

That amendment was rejected by 7 votes to 2, with 3 abstentions.

Colonel SHARMAN (Canada), Mr. WEI (China), Mr. ANSLINGER (United States of America), Mr. SCHELTEMA (Netherlands), Mr. ZAKUSOV (Union of Soviet Socialist Republics), and Mr. HOARE (United Kingdom) considered that the Egyptian proposal was excellent and that perhaps the solution it envisaged might prove the best; they had, however, had to vote against that draft amendment for the procedural reasons previously stated by the representatives of Iran and the United Kingdom.

Mr. AMINI (Iran) and Mr. KRASOVEC (Yugoslavia) had abstained for the same reasons and were also of opinion that the Egyptian proposal represented a constructive suggestion.

The CHAIRMAN put to the vote the draft resolution as amended.

The draft resolution as amended was adopted by 10 votes to 1, with 1 abstention.

3. Egyptian proposal relating to opium seizures

Mr. KAMEL FAHMY (Egypt), acting on instructions from his Government, reserved the position of Egypt on the draft protocol to be adopted by the Commission because that draft included several provisions which the Economic and Social Council might interpret as preferential or as discriminatory.

He pointed out that at least forty-three of the sixty States Members of the Joint Second and Third Committee of the General Assembly which would have to reach a decision on the Economic and Social Council resolutions were neither producing countries nor manufacturing countries and could consequently be expected to adopt the same position as the Egyptian delegation.

/The question

The question was serious because some members of the Commission were inclined to advocate the adoption of inequitable and discriminatory provisions.

Before the Commission took a final decision, the representative of Egypt wished to state that on four points the provisions suggested were in flagrant contradiction with the spirit which should animate all international conventions. In the first place, certain countries would be authorized to manufacture drugs from seized opium while that same right would be refused to other countries, the only difference being that the former were countries with a highly developed industry while the latter were under-developed countries, the poor relations in the international community. That procedure was completely contrary to the policy of the United Nations in the matter of assistance to under-developed countries and was the worst conceivable example of inequitable treatment.

Secondly, as a member of the Commission had pointed out, producing countries would be permitted to constitute stocks and export their seizures while some consumer countries would neither have the right to export nor to barter seized opium for alkaloids for their medical needs, even though those seizures originated from the very same producing countries; consumer countries would not even have the right to use seized opium to constitute stocks.

Thirdly, drug addiction would be tolerated in some countries under the guise of "quasi-medical use" while countries combating drug addiction and illicit traffic would not be permitted to exchange limited quantities of seized opium for the alkaloids required for medical purposes.

Fourthly, the Egyptian delegation's position was based on a clear legal principle, which was in complete accord with the spirit of the draft protocol. The principle was that producing and consuming countries could freely dispose of stocks seized by them because such stocks belonged to them. There could be no question that confiscated opium was the property of consuming countries which carried out the seizure, such as Egypt, and that it remained their property whether it was kept in their territory or sent to another country. The objection to consuming countries sending confiscated opium to manufacturing countries, to be converted into alkaloids or exchanged for alkaloids for medical needs, was incomprehensible so long as Member States were authorized to use confiscated opium for the manufacture of alkaloids.

/He emphasized

He emphasized that conventions must be just if international obligations were to be respected and belief in international conventions maintained.

Egypt's request concerning the right to dispose of confiscated opium to meet its medical needs was inspired by purely humanitarian considerations and it raised a question of principle. He hoped that the Commission would not take a hasty and unjust decision in haste, which might subsequently be termed discriminatory.

As Egypt might later have to explain, in the Economic and Social Council the attitudes of various other delegations on the point, he asked for a roll-call vote on the following question: Has a consuming country which has no means of manufacturing confiscated opium the right to send it to a manufacturing country for exchange or conversion into alkaloids, to be used exclusively for its own medical and scientific needs.

The CHAIRMAN announced that rule 56 of the rules of procedure would be applied to the Egyptian representative's proposal.

Mr. HOARE (United Kingdom) and Colonel SHARMAN (Canada) hoped that the Egyptian representative would not insist upon an immediate vote, but would allow members of the Commission time for consideration.

Mr. AMINI (Iran) asked that the meeting should be suspended.

The meeting was suspended at 12.10 p.m. and resumed at 12.30 p.m.

The CHAIRMAN considered that the Egyptian proposal was inspired by a wish to know the views of the various members of the Commission. Hence it did not require the Commission to take a decision.

He accordingly asked the Egyptian representative to withdraw his proposal for the time being and submit it again when the Commission came to the discussion of the provisions of the draft protocol, with which the question was connected.

Mr. KAMEL FAHMY (Egypt) agreed to withdraw his proposal for the time being.

4. Statement on results obtained by the Commission

The CHAIRMAN stated that press correspondents often asked him what the Commission was doing to settle the narcotic drugs problem. It seemed to him that the Commission would be well advised to publish a resume of its activities, giving the results obtained, the objectives in mind and plans for the future.

Mr. AMINI (Iran) did not feel that a statement on those lines would be desirable. The public might be disappointed if it compared the results so far obtained with the objective proposed. The discussions had shown that, in existing economic and social conditions, much time would be needed to reach the objective, although producing countries were directing their efforts towards suppression of the cultivation of the opium poppy one day.

Press correspondents who wished to appraise the position could refer to existing official documents. Moreover, the Economic and Social Council on several occasions had expressed its satisfaction with the Commission's actions.

Mr. VAILLE (France) thought the Chairman's suggestion was very good. For the information of the public in the country where the Commission was meeting, it could be said, without prejudging the question whether the protocol would be adopted or not, that the Commission had attempted to establish a draft agreement which would substantially check the over-production of opium that was the cause of the widespread illicit traffic. Steps recently taken on the recommendations of the Permanent Board and the Supervisory Body by various governments, regarding stocks of heroin and in particular by Italy, had already met with success and would result in fewer seizures in the United States of America. Mexico had made an appreciable effort to wipe out the illicit traffic in marijuana, which had resulted in a decrease in seizures in the United States. Turkey was also combating illicit traffic and its Government had gone so far as to forbid the manufacture of acetic anhydride, save in exceptional cases. The sending of a Commission of Enquiry to Peru and Bolivia to study the effects of chewing the coca leaf was another example of the Commission's efforts to combat drug addiction.

/In France

In France, police files on every person convicted or investigated in connexion with narcotic drugs had been of great use in the fight against traffickers; such persons were not allowed to leave French territory until there had been a very meticulous inquiry and a very thorough customs examination.

The steps the Arab League countries proposed to take to co-ordinate the fight against illicit traffic might also be noted. Lastly, the Commission's desire to continue and intensify the fight in the Far East against narcotic drugs was demonstrated by its study of the Burmese proposal.

On the practical level, the Commission on Narcotic Drugs had enlisted the help of the International Criminal Police Commission and had initiated an effective collaboration which had enabled various States to secure good results.

He therefore felt that the Commission was doing everything possible in existing conditions.

Mr. ANSLINGER (United States of America) thought the French representative's review of the position excellent. The steps taken in Peru, Mexico, Italy and Greece represented so much progress, due to the advice of the Commission on Narcotic Drugs. Unfortunately, the public did not take a measured view and attached a disproportionate importance to the seizure of a few ounces of opium without realizing that since the adoption of the 1931 Convention the illicit traffic was merely a leak, whereas before then it had been a question of stemming a tide.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) expressed surprise that the Chairman had thus suddenly asked the Commission for its opinion of its own work. As the question had been raised, however, he felt obliged to say a few words. He could not agree with the French representative's eulogy of the Commission's work because it was quite clear from all the reports submitted to the Commission's sessions that the opium-smoking habit was still almost as widespread as it had been 25 years before. No real success had been achieved in the fight against the illicit traffic.

At the present session of the Commission it could not be forgotten that time had been lost in discussing the "monopoly", and the failure of negotiations had been such that it now appeared hardly proper to pronounce the word.

/It was true

It was true that, at the present session, new synthetic products had been placed under control, which was unquestionably an advance, and that some countries had made measurable progress, but it would be unreasonable to conclude from that that the Commission deserved the praise just bestowed upon it by the French representative. He had no desire to condemn the Commission's efforts, but he believed that the French representative had been too enthusiastic in his remarks.

Mr. VAILLE (France) felt obliged to say that the USSR's participation in the work of the Commission had been largely negative, except for technical discussions in which the USSR representative, speaking as an expert, had made a contribution the Commission appreciated.

5. French proposal relating to education and propaganda against narcotic drugs

Mr. VAILLE (France) submitted a draft resolution on the above subject, proposing the adoption of principles drawn up by the League of Nations Opium Advisory Committee. According to those principles, propaganda in schools and other forms of direct propaganda against narcotic drugs ought to be used only in countries where drug addiction was widespread; such propaganda would undoubtedly be dangerous in other countries, above all in Europe and North America.

A very similar draft resolution had previously been submitted. Propaganda in schools against narcotic drugs was not at all comparable with propaganda against alcoholism; it could arouse young people's curiosity and their desire to experience the effects of drugs. The draft resolution did not place any obligation upon Governments. It would be of moral significance and could be invoked in refusing requests of many associations -- not, however, in France -- for propaganda on the subject. There was a danger that such propaganda might have an effect diametrically opposed to that desired.

Mr. ANSLINGER (United States of America) strongly supported the French proposal. The National Women's Christian Temperance Union had recently adopted a resolution to the same effect as the French representative's proposal because it had noted that propaganda against narcotic drugs produced the opposite result from what was desired.

/Mr. AMINI

Mr. AMINI (Iran) did not deny the validity of the French proposal, but considered that it was for each Government to take such steps in the matter as it thought fit. It would appear that, in France, the relevant Ministry wished to oppose certain requests by charitable societies. Not having the requisite legal basis, however, it would like the Commission to make a decision which it could cite. The Ministry in question should obviously shoulder its own responsibilities. The Commission on Narcotic Drugs was not competent to take decisions on educational matters; and why one principle should be valid for Burma, for instance, and the opposite for the United States of America, was difficult to understand.

Mr. ANSLINGER (United States of America) thought that the Iranian representative had misunderstood the question. The French proposal was within the Commission's competence because it dealt with a method of reducing drug addiction.

Mr. VAILLE (France) pointed out that the Commission was composed of experts representing Governments; if it could not take such a decision it might be wondered on what it could make recommendations. A distinction was not to be drawn between various countries in a discriminatory spirit; it arose from the simple fact that propaganda against the harmful effects of narcotic drugs could lead to a decrease in drug addiction in countries where it was widespread, whilst there was a danger that it might produce the opposite effect in countries where drug addiction was almost non-existent.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) observed that the text of the French proposal had not been distributed. He asked for it to be translated and distributed before the discussion was continued.

The CHAIRMAN agreed to the USSR representative's request.

The meeting rose at 1.10 p.m.