

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.7/SR.270

18 May 1955

ENGLISH

ORIGINAL: FRENCH

COMMISSION ON NARCOTIC DRUGS DOCUMENTS
INDEX UNIT MASTER

Tenth Session

JUN 3 1955

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTIETH MEETING

Held at Headquarters, New York,
on Friday, 22 April 1955, at 2.55 p.m.

CONTENTS

The proposed single convention on narcotic drugs (E/CN.7/AC.3/3,
E/CN.7/AC.3/4/Rev.1, E/CN.7/AC.3/5, Corr.1 and Add.1, E/CN.7/AC.3/6
and Add.1; E/CN.7/289, chapter VI; E/CN.7/295; E/CONF.14/7, Corr.1
and Add.1; E/CN.7/L.48, L.74, L.85 and Corr.1 and 2, L.86 and Add.1,
L.89, L.95) (continued)

PRESENT:

<u>Chairman:</u>	Mr. VAILLE	France
<u>Rapporteur:</u>	Mr. SALDANHA	India
<u>Members:</u>	Mr. HOSSICK	Canada
	Mr. TSAO)	China
	Mr. WEI)	
	Mr. LABIB	Egypt
	Mr. PANOPOULOS	Greece
	Mr. ARDALAN	Iran
	Mr. RABASA	Mexico
	Mr. FORYS	Poland
	Mr. OZKOL	Turkey
	Miss VASILYEVA	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. TENNYSON	United States of America
	Mr. NIKOLIC	Yugoslavia
<u>Also present:</u>	Mr. MAY	Permanent Central Opium Board
	Mr. NEPOTE	International Criminal Police Commission
<u>Observers:</u>	Miss YAMANE	Japan
	Mr. GRANDJEAN	Switzerland

Representative of a specialized agency:

Dr. HALBACH	World Health Organization
-------------	---------------------------

Representatives of non-governmental organizationsCategory B and Register:

Mr. LONGARZO	International Conference of Catholic Charities	
Mr. PENCE	World's Alliance of Young Men's Christian Associations	
Miss SMART	World's Women's Christian Temperance Union	
<u>Secretariat:</u>	Mr. YATES	Director, Division of Narcotic Drugs
	Mr. PASTUHOV	Secretary of the Commission

THE PROPOSED SINGLE CONVENTION ON NARCOTIC DRUGS (E/CN.7/AC.3/3, E/CN.7/AC.3/4/Rev.1, E/CN.7/AC.3/5, Corr.1 and Add.1, E/CN.7/AC.3/6 and Add.1; E/CN.7/289, chapter VI; E/CN.7/295; E/CONF.14/7, Corr.1 and Add.1; E/CN.7/L.48, L.74, L.85 and Corr.1 and 2, L.86 and Add.1, L.89, L.95)(continued)

Section 33 - Control of the production of cannabis (continued)

The CHAIRMAN said that the Committee had before it an Indian proposal for the inclusion of a reservation.

Mr. TENNYSON (United States of America) asked whether the point raised in the Indian proposal might be met by referring to traditional quasi-medical uses. By the use of the term "traditional", India's needs would be covered, and at the same time the proposal would be limited in scope and would not include cases of the recent use of this drug by the medical profession.

Mr. SALDANHA (India) emphasized that indigenous systems of medicine such as the Ayurvedic and Unani systems which had been in existence in India on an organized basis for hundreds of years, and on which large sections of the population continue to depend for medical treatment, were just as much entitled to be called medical, and not quasi-medical, as the allopathic and homeopathic systems were. They did not become quasi-medical merely because they were not western systems.

Mr. NIKOLIC (Yugoslavia) believed that the right to enter a reservation should be subjected, as it had been in the 1953 Protocol, to conditions such as that of having made an express declaration to that effect at the time of signature or of deposit of the instrument of ratification or accession.

Mr. RABASA (Mexico), stating that his delegation in principal favoured total prohibition, supported the idea behind the Yugoslav representative's proposal to limit the scope of reservations. The danger that production permitted in exceptional cases might be exported to other countries must be avoided. Reservations should be permitted only with respect to production for scientific purposes.

The CHAIRMAN suggested that the Commission should accordingly vote, first on the principle of having reservations, then on the use to be made of the cannabis covered by the reservation, and lastly on the time limit to be set for applying the transitional measures.

He asked the Commission to vote on the principle that a reservation with respect to cannabis should be included in the Single Convention.

It was decided, by 8 votes to none, with 5 abstentions, that, in principle, a reservation should be included.

It was decided that the Secretariat should draft that reservation on the basis of article 19, paragraph 1 (transitional measures) of the 1953 Opium Protocol.

The CHAIRMAN suggested that the production of cannabis authorized by the reservation should be made of cannabis intended for use in customary indigenous medicine. In order to simplify the discussion the Commission should first decide on the use of the words "customary use" along the lines of Article 19, paragraph 1 (b) (i) of the 1953 Opium Protocol.

It was decided, by 8 votes to 1, with 4 abstentions, that the production of cannabis covered by the reservation should be for "customary use".

The CHAIRMAN reminded the Commission that to confine itself to stipulating that the use of the cannabis covered by the reservation should be "customary" would be reversing the vote taken at the previous meeting. It should further be specified that the cannabis thus exceptionally produced was to be used in "indigenous medicine". He put that proposal to the vote.

The Commission decided, by 7 votes to 1, with 6 abstentions, that the use covered by the reservation would be "the use of cannabis in customary indigenous medicine".

The CHAIRMAN said he believed the Commission would want some time limit analogous to the reservation with respect to coca leaf and opium to be set for the production of cannabis thus exceptionally permitted, long enough to permit the gradual disintoxication of drug addicts. He enquired whether the Indian representative could indicate what time limit would be required.

Mr. SALDANHA (India) stated that he could not commit his Government to any specific time limit at that stage. The medical faculties in India would have to be consulted and it might perhaps be possible for his Government to specify the time limit at the next session of the Commission.

The CHAIRMAN asked the Commission to vote on the question whether a reservation might be included, on the understanding that the section permitting the reservation would be drafted in the light of the decisions the Commission had taken.

The Commission decided, by 12 votes to 2, to instruct the Secretariat to prepare in the light of the decisions taken a draft section on the possibility of including a reservation.

Mr. WALKER (United Kingdom) proposed that, in order to fix the time limit with a knowledge of all the facts, the Secretariat should be asked to invite Pakistan, Burma and other Far Eastern countries, as also all countries in general likely to be interested in a gradual disintoxication programme, to communicate their views for discussion at the next session.

It was so decided.

Mr. SALDANHA (India) thanked the Commission for its decision, which took into consideration the special position of his country.

Mr. GRANDJEAN (Observer for Switzerland) pointed out that that section did not directly concern his country, in which cannabis was not used for medical purposes, as Swiss law permitted the manufacture only of denatured preparations for external use. He would, however, point out that, despite certain difficulties which formal application of that section might entail, the spirit in which the section was conceived was consistent with that of Swiss law.

Mr. RABASA (Mexico) asked exactly how the Secretariat was going to present the section on cannabis. It must be clearly brought out that the prohibition of the use of cannabis was a general one and that the proposed reservation applied exclusively to certain countries in a very special position.

The CHAIRMAN pointed out that the Commission had voted on two matters of principle. It had decided to prohibit the use of cannabis for medical purposes and in connexion with drug addiction. It had also permitted the entry of reservations by those countries which had need of them in existing circumstances, and solely by those countries, as the words "customary use" showed. The Secretariat in drafting that section would therefore have to bear in mind the spirit in which the Commission had taken those decisions.

Much of section 33, paragraph 2, had become irrelevant. It should therefore be replaced by a text to the following general effect, on the understanding that the Secretariat would use the wording it deemed fit:

"Whenever the prevailing conditions in a country or territory give grounds for belief that there exists [diversion of cannabis into the illicit traffic] [illicit traffic in cannabis] the Parties undertake to introduce or maintain all measures necessary to prevent such traffic".

It was so decided.

In reply to a question by Mr. NIKOLIC (Yugoslavia), the CHAIRMAN explained that he meant only traffic in "cannabis" within the meaning which the Commission had given that word.

Mr. RABASA (Mexico) emphasized that in dealing with texts as important as those now under consideration by the Commission, it was essential to have translations into Spanish as precise and accurate as possible. The Mexican and Peruvian representatives would be very glad to co-operate in perfecting those texts and asked that the Secretariat should consult them.

Section 44 - Territorial Clause

Miss VASILYEVA (Union of Soviet Socialist Republics) said that, as she had explained on several occasions, her delegation endorsed the principle that the single convention should be signed and ratified by a State on behalf of all the territories for which it had international responsibility. Otherwise, international control might not extend to territories in which drug addiction, illicit traffic and criminal misuse prevailed. She accordingly proposed the deletion of the section.

Mr. NIKOLIC (Yugoslavia) agreed. He would not repeat the arguments which, in his view, militated against the inclusion of a territorial clause in a convention on narcotic drugs and which he had set out in detail at the 1953 conference. He wished nevertheless to point out that for the campaign against drug addiction and the illicit traffic to be effective it would be advisable, leaving all political considerations aside, to regard a metropolitan country and its colonies as "separate entities", the term used in the definition of the word "territory" in the 1953 Protocol. If a metropolitan territory and its colonies were not regarded as separate entities, narcotic drugs might circulate freely between the two areas and it would be more difficult to combat drug addiction, since the forms of addiction in metropolitan countries and in colonies were not the same. The use of analogous import certificates and export authorizations in both areas would certainly not serve to clarify the situation.

Mr. FORYS (Poland) supported the statements made by the USSR and Yugoslav representatives.

Mr. WALKER (United Kingdom) recalled the lengthy debate on the question in 1953. The USSR, Poland and Yugoslavia called for the deletion of the territorial clause because they wished to be sure that the single convention would be speedily ratified and would apply as soon as possible to all metropolitan and non-metropolitan territories. In view of the fact that every international convention to which the USSR was a party had been ratified by the non-metropolitan territories there was no reason to believe that they would not ratify the single convention. They endorsed humanitarian principles and made every effort to combat the illicit traffic, especially as for some of them it gave rise to serious problems. Some territories had to cope with the influx of narcotic drugs from adjacent territories and to do so had had to take stricter measures than those applied in some self-governing countries. Hong Kong was a case in point. The United States representative had said in 1954 that traffickers avoided Hong Kong in view of the very strict supervision to which they were subjected. Singapore was another such case.

Mr. Walker, United Kingdom)

It should also be borne in mind that some of those territories were very proud of their legislatures which had been in existence for several centuries. They could not take hasty decisions. While they would certainly ratify the single convention, they would not take orders. The Commission should make it possible for them to ratify the convention without delay and in full freedom, and, accordingly, should include a territorial clause in the convention.

The CHAIRMAN, speaking as the representative of France, concurred in the views which the United Kingdom representative had expressed.

Mr. WEI (China) proposed that article 20 of the 1953 Protocol, accepted by the members of the Opium Conference as likely to command the most general support, should be included in the single convention.

Mr. TENNYSON (United States of America) said that his delegation could have accepted the wording in the draft convention since the United States did not have to obtain the approval of its territories before it could apply the provisions of international conventions to them. However, in view of the arguments adduced by the United Kingdom representative and the divergent opinions expressed, the United States delegation would not object to the substitution of article 20 of the Protocol for the existing section.

Mr. WALKER (United Kingdom) observed that the text of article 20 of the 1953 Protocol, adopted by the Conference, represented a joint proposal which he and the Philippines representative had introduced in an attempt to reach general agreement. He was not satisfied with that text, however, since it appeared to imply that pressure might be brought to bear on the territories concerned. He proposed that the Commission should postpone further debate on the territorial clause until the beginning of the following week.

It was so decided.

Section 45 - Termination of previous international instruments

Section 45 was adopted.

Section 46 - Transitional provisions

Mr. TENNYSON (United States of America) proposed the inclusion of the words "provided for in Section 14 of the present Convention" after the word "Board" in the first line of paragraph 2 of Section 46, in order to make it clear which Board was meant.

It was so decided.

Section 47 - Denunciation

Mr. NIKOLIC (Yugoslavia) and Miss VASILYEVA (Union of Soviet Socialist Republics), on the basis of their earlier proposal to delete Section 44, requested the deletion of the words "on its own behalf or on behalf of any of the territories for which it has international responsibility".

The CHAIRMAN pointed out that those words would automatically be deleted, retained or amended, depending upon the Commission's decision with respect to Section 44.

Section 48 - Amendments

Mr. WALKER (United Kingdom) said that the question of the procedure for the introduction of amendments to the convention was most complex. Other United Nations organs had had difficulties in that connexion in the case of other Conventions. He accordingly proposed that the final wording of the Section should be left to the legal experts to whom the final text would be submitted for review.

Mr. RABASA (Mexico) agreed that the experts should make a careful study of that difficult problem. He proposed that they should be invited to consult Governments.

Mr. GRANDJEAN (Observer for Switzerland) considered that the Mexican representative had made a wise proposal. Careful consideration should be given, for example, to the case of States which were not members of either the Commission on Narcotic Drugs or the United Nations.

Mr. MAY (Permanent Central Opium Board) said that having already expressed his views on the question of amendments in the article he had written for the Bulletin on Narcotics, he would not go into any detail. He recalled his suggestion that only the basic principles should be included in the convention itself, all other matters being incorporated in a regulation governing its application to which amendments could be introduced by a relatively simple procedure similar to that proposed with respect to the Schedules, without an international conference having to be held.

Mr. NIKOLIC (Yugoslavia) supported the Mexican representative's proposal. He agreed with Mr. May that it was essential to avoid having to convene an international conference for minor amendments.

The CHAIRMAN proposed that the Commission adopt the United Kingdom delegation's proposal that the Secretariat departments concerned should be entrusted with the revision of section 48, and the Mexican delegation's proposal that those departments should be asked to consult Governments in that connexion.

It was so decided.

The CHAIRMAN asked Mr. May to submit his suggestion in writing for consideration at a later stage.

Section 49 - Disputes

The CHAIRMAN invited the Commission to take up section 49 to which the Soviet Union delegation had proposed an amendment (E/CN.7/L.74).

Miss VASILYEVA (Union of Soviet Socialist Republics) thought that all the Parties concerned should agree on the method of settling disputes, and that the sovereign rights of each State signatory to the Convention should be respected. That was the reason for which her delegation had proposed the amendment.

Mr. WALKER (United Kingdom) said that he understood the USSR delegation's concern but feared that the adoption of its amendment might lead to a deadlock. The United Kingdom delegation could accept section 49 as it stood, but, if it was to be amended, that might better be done on the basis of the ideas in article 25 of the 1931 Convention, perhaps in a simplified form.

The CHAIRMAN, speaking as the representative of France, supported the United Kingdom delegation's suggestion and made a formal proposal to that effect.

Mr. RABASA (Mexico) supported the proposal. The main instrument that now governed the pacific settlement of disputes between States was the United Nations Charter. All Member States which had made the declaration provided for in Article 36 of the Statute of the International Court of Justice recognized that body's competence in the settlement of disputes. Accordingly, the purpose of section 49 was to supplement provisions already in existence and was primarily directed to non-member States or those which had not made the declaration provided for in article 36 and consequently were not obliged to refer their disputes to the Court. A text which was based on article 25 of the 1931 Convention and provided for an arbitral procedure would be satisfactory, because in that way the sovereignty of such States would be fully respected, as they would not be obliged to refer disputes to the Court.

The USSR amendment (E/CN.7/L.74) was rejected by 7 votes to 2, with 4 abstentions.

The French proposal to replace section 49 with a text based on article 25 of the 1931 Convention was adopted by 7 votes to none, with 7 abstentions.

Mr. WALKER (United Kingdom) said that the text of article 25 was rather old and it might be that the drafting should be brought up to date.

The CHAIRMAN emphasized that at the present stage the Commission was in every case voting on the substance, not the form, of sections.

Section 50 - Reservations

Miss VASILYEVA (Union of Soviet Socialist Republics) proposed the deletion of section 50 which her delegation considered to be incompatible with the principle of the sovereignty of States.

Mr. WALKER (United Kingdom) said that a very complicated technical question was involved, which, like the question of amendments, had already produced difficulties with other conventions. The Committee had already come to decisions on specific points concerning narcotic drugs. It had, for example, agreed that transitional measures should be provided in respect of coca leaf and cannabis. It should go no further at the present time. He proposed that section 50, like section 48, should be revised by legal experts.

Mr. NIKOLIC (Yugoslavia) said that he saw the merit of the USSR delegation's argument, but agreed with the United Kingdom representative that a technical question was involved and that it should be referred to experts.

Mr. RABASA (Mexico) pointed out that if the Commission wished as many States as possible to adhere to the Convention, it should not be rigid about reservations. Countries in some instances had wished to accede to conventions, but had been unable to do so because the reservations were too restrictive.

He agreed with the United Kingdom and Yugoslavian representatives that the section should be referred for examination to the competent department, which should be requested to ask Governments for their comments on reservations and amendments.

The USSR proposal was rejected by 6 votes to 2, with 5 abstentions.

The proposal to refer section 50 to the competent department for examination and to request it to ask Governments for their comments was adopted.

Section 51 - Notifications

Miss VASILYEVA (Union of Soviet Socialist Republics) proposed, for the reasons she had given previously, the deletion of all the paragraphs in the section referring to sections 44, 47 and 50, i.e. paragraphs (b), (e), (h), (j) and (k). However, she would agree to a postponement of the vote on her proposal, as it had been decided that section 50 would be reconsidered and as no decision had yet been reached on the territorial clause.

Mr. NIKOLIC (Yugoslavia) too requested the deletion of all paragraphs in section 51 which related to the territorial clause.

The Commission unanimously decided to postpone the vote on the USSR proposal.

Mr. TENNYSON (United States of America) pointed out that the word "their" should be substituted for "our" in the penultimate paragraph of section 51.

The CHAIRMAN recalled that throughout its examination of the draft Convention the Commission had never dealt with its form, which it had decided to leave to the Secretariat. The schedules too would be examined later.

After an exchange of views, in which Mr. OZKOL (Turkey), Mr. NIKOLIC (Yugoslavia) and Miss VASILYEVA (Union of Soviet Socialist Republics) took part, the CHAIRMAN proposed that the Commission should examine the question of drug addiction at the beginning of the meeting on 25 April.

It was so decided.

The meeting rose at 5.20 p.m.