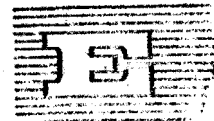


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COMMISSION ON NARCOTIC DRUGS

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND SIXTY-THIRD MEETING

Held at Headquarters, New York,  
on Monday, 21 April 1952, at 10.30 a.m.

CONTENTS:

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E/CN.7/AC.3/3/Rev.3, E/CN.7/AC.3/4, E/CN.7/AC.3/5) (articles 1 and 2)

<u>Chairman:</u>	Mr. RABASA	Mexico
<u>Rapporteur:</u>	Mr. NIKOLIC	Yugoslavia
<u>Members:</u>	Mr. SHARMAN	Canada
	Mr. CHA	China
	Mr. MAHMOUD	Egypt
	Mr. VAILLE	France
	Mr. KRISHNAMOORTHY	India
	Mr. ABDOH	Iran
	Mr. KRUYSSSE	Netherlands
	Mr. AVALOS	Peru
	Mrs. MELCHIOR	Poland
	Mr. KAVADAR )	Turkey
	Mr. OR )	
	Mr. ZAKUSOV	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. ANSLINGER	United States of America

<u>Also present:</u>	Dr. WOLFF	World Health Organization (WEO)
	Mr. MAY	Permanent Central Opium Board
	Mr. MARABUTO	International Criminal Police Commission
<u>Observers:</u>	Mr. WOULBROUN	Belgium
	Mr. DOSI )	Italy
	Mr. BRIGIDI )	
	Mr. WAGNIERE	Switzerland
<u>Secretariat:</u>	Mr. STEINIG	Director, Division of Narcotic Drugs
	Mr. LANDE	Division of Narcotic Drugs
	Mr. BENJAMIN	Acting Secretary of the Commission

The CHAIRMAN invited the observers representing the Governments of Belgium, Italy and Switzerland to take seats at the Commission table. The Commission would no doubt receive valuable guidance from the views on the single convention, which they might freely express as Government observers.

Mr. WOULBROUN (Observer, Belgium) thanked the Commission for having invited the Belgian Government to be represented by an observer during the Commission's discussion of the draft single convention.

#### PROGRAMME OF WORK OF THE COMMISSION

The CHAIRMAN observed that the Economic and Social Council's session would begin on 13 May 1952. The Commission must therefore finish its work before that date. In view of the fact that 12 May was a Monday, it would be better for the Commission to finish on Friday, 9 May. To that end, he proposed the following programme of work:

Week of 21-26 April: consideration of the draft single convention. In order to speed up the Commission's work, the Drafting Committee to be appointed by the Commission should meet daily after that afternoon's meeting to draft the Commission's decisions on the draft single convention.

/Monday,

Monday, 28 April: consideration of the report of the Drafting Committee resumption of consideration of the question of synthetic narcotic drugs (item 4 of the agenda);

Tuesday and Wednesday, 29 and 30 April: consideration of the Report of the Commission of Enquiry on the Coca Leaf (item 9 of the agenda);

Thursday, 1 May to Tuesday, 6 May: consideration of the question of the abolition of opium smoking in the Far East (item 10 of the agenda); consideration of the question of illicit traffic (item 11 of the agenda). In view of the importance of the last item, the Commission should give to it as much time as possible before the close of the session.

Wednesday, 7 May to Friday, 9 May: other business (item 12 of the agenda); consideration of the draft report on the seventh session of the Commission (item 13 of the agenda); adjournment of the session (item 14 of the agenda).

Mr. ANSLINGER (United States of America) considered the proposed programme very satisfactory. The Commission should, however, invite Mr. Fonda, Chairman of the Commission on Enquiry on the Coca Leaf, to attend its debates when the Report of the Commission of Enquiry was considered.

Mr. STEINIG (Secretariat) said that it would certainly be useful for the Commission to hear Mr. Fonda if necessary. With regard to the United States proposal, however, the Commission should bear in mind the fact that it could hear Mr. Fonda only in a private capacity and not as Chairman of the Commission of Enquiry. The Economic and Social Council, in its resolution 395 (XIII) D, had thanked the Commission of Enquiry for its work and dissolved it. Mr. Fonda could therefore not be heard by the Commission as chairman of an organ which no longer existed. The Commission could, however, request a former member of the Commission of Enquiry to participate in its work in a private capacity during consideration of the Report of the Commission of Enquiry.

Mr. NIKOLIC (Yugoslavia) was well aware that the Commission had little time to spare and would therefore have to adhere to a rigid programme in order to conclude its work within the prescribed time. The Commission was not, however,

/likely

likely to be able to consider the draft single convention, article by article, in five days. Moreover, it would have to consider the report of the Drafting Committee which was to draw up the Commission's decisions on the draft single convention with the assistance of the Secretariat. In the circumstances, it could not be expected to complete consideration of the draft single convention in five days.

The CHAIRMAN observed that it must be borne in mind that the draft single convention had already been submitted to the Commission at its fifth session. Governments had had ample time to study it and the relevant documents, and delegations should therefore be in a position to deal with the question fairly rapidly. Moreover, the Commission was faced with a situation over which it had no control, having decided, on the one hand, to consider the draft single convention at its seventh session, and being compelled, on the other hand, to conclude its work before 12 May. It had therefore no choice.

Mr. KRISHNAMOORTHY (India) shared the Yugoslav representative's doubts as to the likelihood of the Commission completing consideration of the draft single convention in five days, but was aware of the position in which the Commission was placed. He asked the Chairman how the Drafting Committee intended to meet the problem.

The CHAIRMAN replied that the Drafting Committee would meet daily after the afternoon meeting, which would rise at 4.30 p.m.

Mr. VAILLE (France) accepted the Chairman's proposed programme of work on the understanding that nothing would prevent the Commission from dealing with the draft single convention for another day or two during the following week if consideration of it had not been concluded at the end of the current week.

The Commission unanimously adopted the programme of work proposed by the Chairman.

/Mr. NIKOLIC

Mr. NIKOLIC (Yugoslavia) explained his vote. Despite the objections he had raised to the programme of work proposed by the Chairman, he had voted for it because he saw no other solution.

The CHAIRMAN thanked the Yugoslav representative for his co-operation. He proposed that the Drafting Committee should consist of the representatives of Canada, France and Yugoslavia, who would be assisted by Mr. Lance, of the Division of Narcotic Drugs.

Mr. SHARMAN (Canada) thanked the Chairman for the proposal to appoint him a member of the Drafting Committee. Other duties unfortunately prevented him from accepting.

Mr. VAILLE (France) proposed that the Netherlands should be a member of the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) suggested that Mr. May, President of the Permanent Central Opium Board, should be a member of the Drafting Committee.

The CHAIRMAN accepted the Yugoslav representative's proposal. The Commission would invite Mr. May to take part in the work of the drafting committee.

Mr. MAY (Permanent Central Opium Board) thanked the Chairman for the honour done him. He would be at the Committee's disposal on all matters concerning the Permanent Central Opium Board, but could not attend all its meetings.

Mr. ABDOH (Iran) pointed out that the Yugoslav representative would in any case take part in the Drafting Committee's work as Rapporteur of the Commission. He therefore proposed the appointment to the Committee of another member chosen from among representatives of opium-producing countries, and suggested the Indian representative.

/ The CHAIRMAN

The CHAIRMAN proposed that the Drafting Committee should be composed of the representatives of France, India, Netherlands and Yugoslavia, together with Mr. May, President of the Permanent Central Opium Board, and Mr. Lande, of the Secretariat.

It was so decided.

The CHAIRMAN asked the Commission to take a decision on the United States proposal to invite Mr. Fonda, Chairman of the Commission of Enquiry on the Coca Leaf, to take part in the Commission's discussion of the Report of the Commission of Enquiry. The Secretariat's views on the proposal had already been made known to the Commission by the Director of the Division of Narcotic Drugs.

Mr. KRUYSSSE (Netherlands) said that he duly appreciated Mr. Steinig's remarks. The Commission might, however, meet the difficulty by inviting Mr. Fonda as former Chairman of the Commission of Enquiry.

The CHAIRMAN thought that, in view of the technical difficulties the Director of the Division of Narcotic Drugs had pointed out, the Commission might defer its decision until the afternoon meeting. Meanwhile, Mr. Steinig could consult the Legal Department.

Mr. ANSLINGER (United States of America) did not understand why a decision on so simple a matter could not be taken immediately. Dr. Monge, who would be present when the Commission considered the report of the Commission of Enquiry, had made some comments about Mr. Fonda's actions as Chairman of the Commission of Enquiry and it was natural and necessary that Mr. Fonda should be present to reply to those comments. The Commission should therefore either adopt the Netherlands representative's proposal or postpone consideration of the report to its next session.

Mr. VAILLE (France) agreed with the United States representative that the question did not raise any real problem. The Commission could adopt the Netherlands proposal without difficulty.

/Mr. AVALOS

Mr. AVALOS (Peru) felt that Mr. Fonda's presence would be useful when the Commission considered the report of the Commission of Enquiry. He supported the proposal of the United States and Netherlands representatives.

Mr. STEINIG (Secretariat) said that it would be better if the Commission did not take an immediate decision on the matter. Mr. Fonda should not be placed in an awkward position. To illustrate how carefully the Council had dealt with the question of giving hearings to persons other than members of the Council, he quoted chapter XV of the rules of procedure of the functional Commissions of the Council, which laid down conditions for hearing representatives of non-governmental organizations and organizations on the register. There was no provision in the rules of procedure for hearing private persons. He was sure that the Commission would not wish to establish a precedent which might have unforeseeable consequences. He suggested that the Commission should postpone its decision until the afternoon meeting so that he might consult the Legal Department.

Mr. VAILLE (France) did not see anything in the rules of procedure of the functional Commissions applicable to the situation. Chapter XV referred only to non-governmental organizations. In any event, the Commission could not consider the report of the Commission of Enquiry in the absence of that Commission's Chairman. It should decide forthwith and vote on the United States proposal.

Mr. ABDOH (Iran) perfectly understood why various delegations desired to have Mr. Fonda take part in the Commission's work when the report of the Commission of Enquiry on the Coca Leaf was considered. He had no objection to Mr. Fonda's presence at meetings of the Commission devoted to the report. However, he wished to emphasize the necessity of observing the rules of procedure and the established practice of functional Commissions, which apparently was not to give hearings to private persons. Above all, the Commission must adhere to its rules of procedure. Rule 75 allowed it to hear only representatives of

non-governmental organizations, not private persons. As Mr. Steinig had rightly said, it should avoid establishing a possibly dangerous precedent. In any case, it was desirable to defer the decision until the afternoon meeting, so that Mr. Steinig might consult the Legal Department.

Mr. WALKER (United Kingdom) was not opposed to giving the Secretariat time to consult the Legal Department. He wished, however, to emphasize a very important point: it was not Mr. Fonda who was demanding the right to take part in the Commission's work; it was the Commission that would like to have the benefit of his assistance in the belief that he could give it valuable information. The difference between the right of a person to be heard by the Commission and the Commission's right to ask for the co-operation of certain persons whose co-operation seemed desirable could not be brought out too strongly.

Mr. KRUYSSSE (Netherlands) remarked that rule 75 dealt with consultation of organizations, not persons. Moreover, the Commission might waste valuable time if it postponed consideration of the question only to resume it later. It would therefore be better to take a decision at once. He supported the French proposal to put the matter to a vote.

Mr. MAHMOUD (Egypt) did not see why Mr. Fonda should not be allowed to give the Commission the technical information it wished to have. Committees of the General Assembly, in particular the First and Fourth Committees, had often invited individuals to appear before them as private persons. The Commission's decision in the present case would by no means run counter to established practice.

Upon a motion by Mr. ANSLINGER (United States of America), the CHAIRMAN announced closure of the debate and put to the vote the United States proposal as amended by the Netherlands representative.

The proposal was adopted by 9 votes to none, with 5 abstentions.

The CHAIRMAN said that the Secretariat would inform Mr. Fonda of the Commission's invitation.

He proposed that the Drafting Committee should meet daily at 4.30 p.m.,

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after the Commission's meeting.

It was so agreed.

In reply to a question from Mr. KRUYSSSE (Netherlands), the CHAIRMAN said that the Committee and the Secretariat would take the necessary steps to provide interpreters.

DRAFT SINGLE CONVENTION ON NARCOTIC DRUGS (E/CN.7/AC.3; E/CN.7/AC.3/2; E/CN.7/AC.3/3/Rev.3; E/CN.7/AC.3/4; E/CN.7/AC.3/5) - (Article 1; Article 2).

Mr. ANSLINGER (United States of America) observed that parts of an international instrument were generally referred to as "articles". In the English draft of the convention they were called "sections". He proposed that they should be called "articles" in accordance with the usual practice.

The proposal was unanimously adopted.

Mr. SHEARMAN (Canada) proposed that, as each article was considered, the Secretariat should indicate whether it involved codification by the Commission of new provisions which did not appear in existing international instruments. The final text of the convention should be simple and coherent: it should consist of provisions already in force, with the additions experience had shown to be necessary. The Permanent Central Opium Board had drawn up some useful suggestions in that connexion.

Mr. NIKOLIC (Yugoslavia) supported the Canadian representative's proposal. He doubted, however, whether it would be desirable to repeat provisions contained in various conventions; such repetition might result in an unduly involved text.

The Canadian proposal was adopted.

#### Article 1

Mr. ZAKUSOV (Union of Soviet Socialist Republics) proposed deleting the alternative between brackets in sub-paragraph (h). If it was maintained,

/it would

it would enable small traffickers to evade prosecution because their operations were on such a small scale that they might be considered as not being in violation of the convention's provisions on national or international control of the international traffic in narcotic drugs.

Dr. WOLFF (World Health Organization) thought it would be better not to use the expression "Indian hemp" in sub-paragraphs (j) and (k). The name of Cannabis sativa, the plant in question, varied with the country where it was grown and the uses to which it was put.

Mr. VAILLE (France) proposed that the various articles should be examined paragraph by paragraph in order to avoid confusion.

It was so decided.

Mr. KRUYSSSE (Netherlands) noted that the first article defined the terms used in the convention. In most cases the definitions would have to be examined along with the articles to which they applied. The Commission would, therefore, save time if it postponed the consideration of article 1 for the time being, and considered the definitions therein as it took up the articles to which they related.

Mr. NIKOLIC (Yugoslavia) supported the proposal.

It was so decided.

#### Article 2

In reply to a question from Mr. ANSLINGER (United States of America), Mr. STEINIG (Secretariat), explained that the Commission had so far taken only one decision on the provisions of the convention it had examined. That was that there should be a single secretariat for all the organs which the Commission might consider it necessary to set up.

/Mr. LANDE

Mr. LANDE (Secretariat) pointed out that the first paragraph of article 2 differed from similar provisions of existing conventions in one essential respect: the word "drug" included all preparations containing narcotics. The second paragraph contained a new provision; it referred to plants which would be subject to control in future if cultivated with a view to the production of narcotic drugs. Table B, where such plants would be listed, was an integral part of the Convention; the list in table B could be changed only by a formal amendment to the Convention. The new element in paragraph 3 was the prohibition of the use of substances enumerated in the table. He recalled, in that connexion, that the Permanent Central Opium Board had raised the question whether the provisions took sufficient account of synthetic drugs.

Mr. VAILLE (France) recalled that the French delegation had submitted a counter-proposal which corresponded more to the wishes expressed by the countries which had replied to the Commission's request. It had not, however, urged that that text should be taken as a basis for discussion because it had appeared from the comments of many countries on the draft convention that they preferred to confine themselves to the codification of previous conventions. In the same desire for compromise, the French delegation would be prepared to make proposals departing from its original counter-proposal, which it nevertheless still preferred. Accordingly, it proposed drawing up four tables. The first would contain a list of all substances placed under control by the present convention; that list would be completed at the same time as the convention, so that the Governments of the States parties to the convention would know the extent of their commitments from the outset. The second table would deal with codeine, dionine and substances which under previous conventions had been in a special group to which some of the regulations had not applied. The third table would include a list of the substances the manufacture and use of which the Commission recommended Governments to prohibit. No obligation was any longer involved; those were merely recommendations which Governments were free to follow or reject, and that made them a compromise on the Secretariat text. Nevertheless, the Governments which exported the substances

/listed in

listed in the table would have to comply with the importing country's legislation. The fourth table would include all the substances exempted under the provisions of the various conventions in force. The Secretariat had refrained from specifying the obligations to which Governments would be subject in respect of codeine and dionine because it had wished to leave the Commission wide powers in the matter of classification. That position, which was technically correct, had a disadvantage in that it raised certain practical problems and made it difficult for the national officials responsible for suppression of the illicit traffic in narcotic drugs to apply the convention. On the whole, he thought it better to maintain the relevant provisions of the preceding conventions.

Mr. KRUYSSSE (Netherlands) thought that it would be simpler and clearer to draw up, as Mr. Vaillle proposed, a set of provisions applying to morphine and narcotics in that category, and another set for codeine. Reverting to the first paragraph, he asked that the Commission should delete the alternative "and groups of drugs"; it was impossible of general definition (as, for example, on the basis of chemical formulae) and such vagueness in itself made it dangerous. He also proposed deletion of the word "or" in the phrase "international and/or domestic control". Further, he suggested that the words "and other substances", which were too general, should be deleted. Indeed, it would be impossible to establish control over all the substances which a country with a very highly developed chemical industry might manufacture.

Mr. VAILLE (France) agreed with Mr. Kruyssse that the text of the first paragraph should be amended. He accepted the deletion of the words "(and other substances)" in paragraph 2 and proposed the following wording: "The substances enumerated in the tables attached to the present Convention and which form an integral part thereof, and the preparations containing them which are listed in table A, come under the provisions of the present convention and, subject to the provisions of Chapter .... (concerning exceptions)".

Mr. LANDE (Secretariat) explained that the Secretariat, in drafting paragraphs 2 and 3, had intended to postpone all decision on certain delicate questions -- such as control of heroin and codeine, which had already raised considerable discussion. Lest certain Governments hesitate to sign the Convention if they were not certain that a less strict system would be applied to certain drugs and that certain preparations would be exempt, the Secretariat had provided for the possibility of less rigid control for certain drugs like codeine, and exemption of certain preparations altogether.

Mr. VAILLE (France), for the sake of compromise, would be prepared to support Mr. Lande's proposal, but in that way two more tables would be added, which would make the application of the convention more difficult and would be contrary to the desire for simplicity which members of the Commission had expressed. For that reason, he would prefer maintaining the four tables he had proposed.

The meeting rose at 1 p.m.