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COMMISSION ON NARCOTIC DRUGS

JUN 13 1955

Tenth Session

SUMMARY RECORD OF THE TWO HUNDRED AND NINETY-THIRD MEETING

Held at Headquarters, New York,
on Thursday, 12 May 1955, at 11.05 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. VAILLE	France
<u>Rapporteur:</u>	Mr. SALDANHA	India
<u>Members:</u>	Mr. HOSSICK	Canada
	Mr. TSAO	China
	Mr. LABIB	Egypt
	Mr. PANOPOULOS	Greece
	Mr. ARDALAN	Iran
	Mr. RABASA)	Mexico
	Mr. ROSENZWEIG)	
	Mr. CALLE y CALLE	Peru
	Mr. FORYS	Poland
	Mr. OZKOL	Turkey
	Miss VASILYEVA	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. ANSLINGER	United States of America
	Mr. NIKOLIC	Yugoslavia
<u>Observers:</u>	Mr. TANCREDI	Italy
	Miss YAMANE	Japan
<u>Also present:</u>	Mr. MAY	Permanent Central Opium Board
<u>Secretariat:</u>	Mr. YATES	Director, Division of Narcotic Drugs
	Mr. PASTUHOV	Secretary of the Commission

LETTER FROM THE CHAIRMAN OF THE SOCIAL COMMISSION

At the request of the CHAIRMAN, Mr. PASTUHOV (Secretary of the Commission) read out a letter dated 12 May 1955 from the Chairman of the Social Commission in reply to the Chairman of the Commission on Narcotic Drugs' letter of 9 May 1955. In his letter, the Chairman of the Social Commission noted the suggestion that the Secretariat should study certain aspects of the problem of drug addiction in conjunction with its work on the prevention of crime and treatment of offenders, and proposed drawing the attention of the Social Commission to that suggestion when the work programme in the social field was being discussed.

COMMUNICATION FROM THE BODY OF EXPERTS ON THE MYRISTYL ESTER OF BENZYL MORPHINE

At the request of the CHAIRMAN, Mr. PASTUHOV (Secretary of the Commission) read out part of a communication from the body of experts on the myristyl ester of benzylmorphine stating that the body of experts considered the evidence was not sufficient, at present, for a unanimous decision to be taken on the question of placing the drug under sub-group (b) of Group I or Group II. Two of the experts had been of the opinion that it had not been conclusively shown that the drug was not capable of producing addiction and had suggested that the classification of the drug should be deferred pending further evidence on that point, which could be further considered by the World Health Organization.

The Commission took note of the communication.

DRAFT REPORT OF THE COMMISSION ON ITS TENTH SESSION AND DRAFT RESOLUTIONS
SUBMITTED BY THE RAPPORTEUR (E/CN.7/L.93/Add.14, 15, 16, 18, 19, 20, 26 and 27)
(continued)

E/CN.7/L.93/Add.26

The document was adopted.

E/CN.7/L.93/Add.14 (continued)

Mr. SAIDANHA (India), Rapporteur, said that the Commission had decided at its previous meeting to insert the name of the country which had sponsored the resolution mentioned in paragraph 9. As there had been several proposed amendments to the resolution, some of which had been adopted, the names of the countries which had proposed amendments should also be given.

It was so decided.

E/CN.7/L.93/Add.15

Paragraph 48

Mr. SALDANHA (India), Rapporteur, explained that two alternatives had been inserted in the paragraph because the decision taken by the Commission at its seventh session covered estimates only and not statistics. It was not clear whether the information to be supplied should cover both estimates and statistics, or estimates only.

The CHAIRMAN thought there could be no doubt that the information covered both estimates and statistics. The second alternative should therefore be deleted.

It was so decided.

Paragraph 52

The CHAIRMAN suggested that the second alternative should be deleted in favour of the first.

It was so decided.

Paragraph 54

Mr. SALDANHA (India), Rapporteur, pointed out that the sentence in square brackets had been inserted in order to facilitate the drafting of the Convention, in particular, the provisions on estimates and statistics of poppy straw. If that sentence were inserted, it would be possible to draft a shorter text and to ensure that the provisions of the Convention were mutually consistent.

The CHAIRMAN noted that the Commission had considered, in agreement with the Permanent Central Opium Board, that there should be separate arrangements for estimates and statistics relating to opium and for those relating to manufactured narcotics, so as to avoid confusion and to make it unnecessary to modify the provisions of the 1953 Protocol. The question had been discussed at length and although no formal decision had been taken, the Commission had definitely expressed its opinion. On the other hand, the Commission had apparently taken no decision on the arrangements for poppy straw. Some latitude must be left to the drafters of the Convention; furthermore, they could not be given any instructions which did not result from the Commission's decisions. If the sentence in question were left in the report, it would be tantamount to taking a decision. In that connexion, he drew attention to the sentence in square brackets under the heading "Section 30" on page 5 of document E/CN.7/L.93/Add.16, which was not in accordance with certain views expressed in the Commission. He suggested that the sentence in square brackets in paragraph 54 should be deleted.

It was so decided by 7 votes to 1, with 5 abstentions.

Paragraph 55

The CHAIRMAN pointed out in connexion with the first sentence (in square brackets) of paragraph 55 that although the Commission had not actually taken a decision, it had felt that provisions concerning estimates and statistics similar to those applicable in the case of opium should be applied to coca leaf and cannabis. With regard to coca leaf, the Commission's position was clear as it had recently adopted a draft resolution sponsored by Peru which, implicitly, made all the articles of the Protocol applicable to coca leaf, including restriction of the number of producing countries.

Mr. WALKER (United Kingdom) wondered whether it would be possible to apply the estimate system to cannabis. He did not recall that the Commission had taken a definite stand on that point.

The CHAIRMAN agreed that the Commission's position with regard to cannabis was not so clear. However, it had recommended the prohibition of

(The Chairman)

cannabis, and had accepted the reservations made by India with regard to cannabis production. The estimate and statistics system should therefore be applied to the countries that made reservations. It was true that there had been no real decision, but there had been an agreement in principle.

He therefore suggested that the first sentence (in square brackets) should be deleted, that the words "estimates and" in the second sentence should be retained and that the second alternative (fourth line) should be deleted.

It was so decided.

Paragraph 56

The CHAIRMAN proposed that the word "rapidement" should be substituted for the word "immédiatement" or "promptement" in the French text.

It was so decided.

Mr. MAX (Permanent Central Opium Board) drew attention to the words "if... the Board has made certain that its two relevant requests have been received". It would be impossible for the Board to make certain that its requests had been received. It had been his impression that the Board had merely wished to provide that the Control Board would repeat its request if it had received no reply to its first request within a reasonable period of time.

Mr. SAIDANHA (India), Rapporteur, explained that the clause in question had been inserted in the report because of an observation made in the course of the debate by Mr. Walker (E/CN.7/SR.273).

Mr. WALKER (United Kingdom) explained that he had merely wished to make it clear that the Control Board should not take further action before making certain that the letters sent to the Governments concerned had not gone astray.

Mr. ANSLINGER (United States of America) felt that the words in question ought to be deleted. The Board ought to be free to act if a Government failed to reply within a reasonable period of time.

Mr. NIKOLIC (Yugoslavia) pointed out that if the Board sent registered letters, it would automatically have proof of the receipt of its requests. The phrase could be deleted.

It was agreed, by 8 votes to 1, with 2 abstentions, to delete the words "and (iii) the Board has made certain that its two relevant requests have been received".

Paragraph 57

The CHAIRMAN suggested that the word "French" should be deleted.

It was so decided.

Paragraph 60

Mr. NIKOLIC (Yugoslavia) said that when he had proposed the deletion of the territorial clause he had referred to both the political and the humanitarian problem. He had not spoken at length on the political aspect because he had already done so in 1953. It was clear, however, that the delegations which had voted for the deletion of the territorial clause had had both aspects of the question in mind. He accordingly proposed that the words "raised broad political problems and" should be inserted in the second line after the word "clause".

It was so decided.

The CHAIRMAN proposed that the words "such as the new convention would be" should be retained in the text.

It was so decided.

Paragraph 61

Mr. WALKER (United Kingdom) proposed that the first phrase in square brackets should be retained and that the words "of respect for local rights" should be added.

It was so decided.

Paragraph 62

The CHAIRMAN suggested that the two passages in square brackets should be deleted. In the first case, it seemed unnecessary to refer to the background of the question and in the second, the point appeared to be self-evident.

It was so decided.

Paragraph 69

Mr. ANSLINGER (United States of America) proposed that the sentence in square brackets should be retained because the explanation given might prove useful in the event of a dispute between the parties.

It was so decided.

Paragraph 72

Mr. SALDANHA (India), Rapporteur, pointed out that the reference in note 72 should be to Article 93 of the Charter and not to Article 92.

Miss VASILYEVA (Union of Soviet Socialist Republics) proposed the deletion from paragraph 72 of the words "i.e. that the compulsory jurisdiction of the Court...Pacific Settlement of International Disputes". Although they were intended to explain the purport of article 25 of the 1931 Convention, they might in fact lead to confusion. She suggested that the words "equality of sovereign States" in paragraph 74 should be replaced by the words "State sovereignty".

It was so decided.

Paragraphs 80, 82 and 87

The CHAIRMAN proposed that the sentence given as paragraph 80 should be retained. He also felt that the words in square brackets in paragraph 82 should be retained because they expressed the Commission's wishes as they had emerged during the debate on that topic. In paragraph 87, he felt that the list of countries given in the second and third lines should be deleted because they could be found in article 6 of the Protocol.

Mr. WALKER (United Kingdom) agreed to the deletion of the list of countries from paragraph 87, but felt that it should be made clear that authorization to produce opium for export would only be valid if the countries concerned became parties to the Protocol.

The CHAIRMAN asked the Rapporteur to redraft the first sentence of paragraph 87 in the light of the United Kingdom representative's observation. In addition, he suggested that the words "and social", which were given in square brackets, should be retained.

It was so decided.

Document E/CN.7/L.93/Add.16

Mr. ARDALAN (Iran), referring to the observations on Section 3 of the proposed single convention, proposed the adoption of the second alternative text given for paragraph 1.

Mr. ANSLINGER (United States of America) supported the proposal.

It was so decided.

Mr. SALDANHA (India), Rapporteur, referring to the observations on Section 13 (b) (i) (dd), said that the whole passage in square brackets appeared to him to be in conformity with the Commission's decisions regarding estimates and statistics.

The CHAIRMAN proposed that the sentence should be retained.

It was so decided.

The CHAIRMAN, referring to the observations on Section 23, said that in view of the Commission's decisions, the second phrase in square brackets should be retained and not the first. The third passage in square brackets should be deleted. In paragraph (a), he suggested that in the French text the word "rapidement" should be substituted for the words in square brackets. Paragraph (c) should also be deleted, in view of the decisions already taken by the Commission.

For the same reason, the paragraph on Section 30 should be deleted.

It was so decided.

Mr. SALDANHA (India), Rapporteur, referring to the observations on Section 32, said that since it was stated that the point in question should be made clear "in another appropriate place" of the Draft, it was perhaps unnecessary to mention Sections 46 and 50.

The CHAIRMAN agreed. He also pointed out that in accordance with the decisions taken at the previous meeting, the last phrase in square brackets in that paragraph should be retained. It had also been agreed that the sentence beginning "The revised text of this paragraph" should be deleted. Only the words "This paragraph should be deleted" should be retained.

It was so decided.

The CHAIRMAN, referring to the observations on Section 33, proposed that the second phrase in square brackets should be retained because it was more general.

It was so decided.

With regard to the observations on Section 50, the Commission decided to retain the words "from the coming into force of the new Convention".

The CHAIRMAN invited the Commission to consider the last sentence in square brackets in the text relating to Section 50.

Mr. LANDE (Secretariat) said that the Commission had decided to consult the Secretariat Office of Legal Affairs on the question of reservations. It had also decided to retain paragraph 80 of document E/CN.7/L.93/Add.15. In view of those two decisions, he thought that the sentence in question should be retained.

It was so decided.

The CHAIRMAN, referring to the conclusion of the text on schedules, said that the latter could obviously still be amended. He accordingly proposed that the Commission should retain the word "provisionally".

It was so decided.

Mr. OZKOL (Turkey), referring to document E/CN.7/L.93/Add.14, drew attention to a mistake in paragraph 6. In the sixth line on page 4, the words "yields only about 1 to 4 kg of opium" should read "yields only about 1 to 4 kg of morphine".

The CHAIRMAN put to the vote all the documents relating to the draft single convention, (E/CN.7/L.93/Add.14, Add.15 and Add.16) and document E/CN.7/L.93/Add.13.

The documents were adopted by 11 votes to none, with 2 abstentions.

Miss VASILYEVA (Union of Soviet Socialist Republics) explained that she had abstained because some of the sections of the draft convention had not been accepted by her delegation.

Mr. FORYS (Poland) said that he had abstained for the same reasons.

Document E/CN.7/L.93/Add.18

Mr. RABASA (Mexico), referring to paragraph 16 of the document, reminded the Commission of the statement he had made on 4 May (E/CN.7/SR.285) and of the amendment he had proposed to the United States draft resolution. The purpose of the amendment had been to establish clearly that the samples used by the future United Nations laboratory to work out essential methods or data, should comply with two requirements: they should be provided by the Government or Governments of the countries of origin of the opium and the Governments should certify the opium as having been produced in that country. Paragraph 16 only took the second part of that amendment into account. He accordingly proposed that the paragraph should be amended to include his first amendment, perhaps by inserting "furnished and" before the word "authenticated".

The CHAIRMAN thought that the Commission should agree to the Mexican representative's request and indicate in paragraph 16 that that representative had suggested that the standard methods used to determine origin should be based on opium which had been furnished and authenticated by the Government of the country of origin as opium produced in that country. If the Commission accepted that suggestion, the same amendment would have to be made in paragraph 7 of the draft resolution on scientific research on narcotics at the end of the document in question.

It was decided that paragraph 16 of the document and paragraph 7 of the draft resolution should be amended as proposed.

Mr. HOSSICK (Canada) assumed that Mexico would send authenticated samples to the Secretariat.

The CHAIRMAN confirmed that assumption.

Mr. PANOPOULOS (Greece) thought that the samples should be examined by some United Nations body which would guarantee their origin. In the absence of some such safeguard, a country which did not accept the proposed standards for chemical analysis might furnish the United Nations laboratory with samples of uncertain origin.

Mr. RABASA (Mexico) requested that paragraph 17 should be so drafted as to reflect more faithfully the debates and decisions of the Commission.

The CHAIRMAN suggested that the Mexican representative might be satisfied if the Commission merely indicated in paragraph 17 that it had not seen fit to go back on its previous decisions and particularly on the decisions taken by the General Assembly, and that the Rapporteur might be left to work out a suitable form of words.

That proposal was adopted.

Mr. OZKOL (Turkey) regretted that paragraph 19 did not indicate more clearly that the representatives of the producing countries were not fully convinced of the accuracy of present methods of determining the origin of opium.

The CHAIRMAN suggested that it might be indicated that the producing countries had considered that the experts disagreed and had stated unanimously that it was too early to take such steps.

Mr. PANOPOULOS (Greece) doubted whether the experts did disagree and stated that the two methods which were to be compared were equally accurate. The methods used in Greece had made it possible to determine the origin of samples whose origin was already known to the Secretariat. The results obtained had tallied.

It was decided by 8 votes to 1, with 3 abstentions, to ask the Rapporteur to amend paragraph 19 as suggested.

It was decided that paragraph 25 should be amended to indicate that the United Kingdom had proposed an amendment not to the United States, but to a Canadian draft resolution.

Mr. WALKER (United Kingdom) suggested that it should be stated in paragraph 30 that the representatives of Canada and the United Kingdom had thought that the time had come to make a modest tentative beginning.

It was so decided.

The CHAIRMAN observed that the Commission had decided to indicate in paragraph 7 of the draft resolution that methods to determine the origin of opium by physical and chemical means must be based on opium furnished and authenticated by the Government of the country of origin as opium produced in that country.

At the request of the United Kingdom representative, it was decided that the word "must" in the English text of that paragraph should be replaced by the words "ought to".

Mr. RABASA (Mexico) explained that the addition he had requested did not imply any lack of confidence in Governments but was designed to ensure the authenticity and accuracy of the method of determining the origin of opium.

At the request of the United States representative, it was decided that the Rapporteur should be asked to draft paragraph 2 of the draft resolution so as to take into account the amendment proposed by the Mexican representative and adopted in principle by the Commission.

The CHAIRMAN proposed that the Commission should adopt document E/CN.7/L.93/Add.18 and postpone the vote on the draft resolution contained in that document until the afternoon meeting.

It was so decided.

Document E/CN.7/L.93/Add.20

The document was adopted.

Document E/CN.7/L.93/Add.27

The document and the draft resolution contained in it were adopted
unanimously.

The meeting rose at 12.55 p.m.