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COMMISSION ON NARCOTIC DRUGS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SIXTH MEETING

Held at Headquarters, New York,  
on Friday, 10 April 1953, at 2.30 p.m.

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Proposed single convention on narcotic drugs (E/CN.7/AC.3/3,  
E/CN.7/AC.3/3/Rev.2, E/CN.7/AC.3/4/Rev.1, E/CN.7/AC.3/5 and Add.1,  
E/CN.7/AC.3/6, E/CN.7/L.25) (continued)

PRESENT:

<u>Chairman:</u>	Mr. RABASA	Mexico
<u>Rapporteur:</u>	Mr. NIKOLIC	Yugoslavia
<u>Members:</u>	Mr. SHARMAN	Canada
	Mr. LIANG	China
	Mr. EZZAT	Egypt
	Mr. VAILLE	France
	Mr. KRISHNAMOORTHY	India
	Mr. ESFANDIARY	Iran
	Mr. KRUYSSSE	Netherlands
	Mrs. KOWALCZYK	Poland
	Mr. OR	Turkey
	Mr. ZONOV	Union of Soviet Socialist Republics
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. MORLOCK	United States of America
<u>Also present:</u>	Mr. MAY	Central Permanent Opium Board
<u>Representative of a specialized agency:</u>		
	Dr. WOLFF	World Health Organization (WHO)
<u>Observer:</u>	Mr. van MUYDEN*	Switzerland
<u>Secretariat:</u>	Mr. YATES	Director, Division of Narcotic Drugs
	Mr. CELINSKI	Secretary of the Commission

\* Alternate

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 and Add.1, E/CN.7/AC.3/6, E/CN.7/L.25) (continued)

Section 35, paragraph 10 (continued)

The CHAIRMAN recalled that the paragraph was a reproduction of article 13, paragraph 4 of the 1925 Convention. Only the words in brackets had been inserted by the Secretariat, in accordance with the proposal made by the United States representative at the Commission's fourth session.

Mr. NIKOLIC (Yugoslavia) proposed that the word "official" in the English text should be replaced by "authentic".

Mr. WALKER (United Kingdom) said that he would prefer the word "official" to be maintained.

Mr. OR (Turkey) observed that the amendment would affect only the English text, since the corresponding word in the French text was "authentique".

Mr. NIKOLIC (Yugoslavia) said that he would not press his amendment.

Mr. VAILLE (France) understood from an interpreter that the English word "copy" corresponded to the French "duplicata". He therefore requested that in the French text the word "copie" should be replaced by "duplicata". He recalled that he had previously stressed the desirability of having a translator who specialized in the subject of narcotic drugs.

Mr. KRUYSSSE (Netherlands) also preferred the word "duplicata".

The CHAIRMAN thought that the question should be decided by the Drafting Committee.

Mr. NIKOLIC (Yugoslavia) said that, in view of the decision it had taken on paragraph 7, the Commission logically should delete the words in brackets. He would prefer to maintain those words, and had not supported the decision in question, but felt that, as the same decision had been taken with regard to another paragraph, the matter was no longer open for discussion.

Mr. VAILLE (France) was in favour of deleting the words in brackets.

Mr. SHARMAN (Canada) urged the Commission to maintain, without any additions, the text of the 1925 Convention, which had proved entirely satisfactory. It had been understood that the texts of the old conventions would be amended only where necessary. The representative who had proposed the change should state his reasons for it.

Mr. OR (Turkey) supported those remarks.

Mr. MORLOCK (United States of America) explained that the suggested procedure corresponded to that used in the United States and that it had the advantage of providing a double check.

Mr. SHARMAN (Canada) did not agree with the United States representative. If copies of import authorizations were required, consumer countries, like Canada, would have a more complicated task. The United States, which imported very few narcotic drugs, was in a different position. As reports from the different countries showed that the present system was entirely satisfactory, there was no reason to change it.

The CHAIRMAN proposed that the text of paragraph 10 should be adopted, with the exception of the words in brackets.

The text proposed by the Chairman was adopted by 12 votes to 1, with 1 abstention.

Section 35, paragraph 11

The CHAIRMAN pointed out that, since it had been decided to abolish the International Clearing House, the paragraph was superfluous and should be deleted.

Mr. VAILLE (France) remarked that paragraph 11 mentioned the amounts exported and imported. If it were deleted, a text corresponding to that of article 13, paragraph 6 of the 1925 Convention, referring to the amounts exported, would have to be inserted in the proposed convention.

Mr. SHARMAN (Canada) felt that paragraph 11 should be deleted for the reason stated by the Chairman; in any case, the provisions of paragraphs 6 and 12 of section 35 were adequate.

Mrs. KOWALCZYK (Poland) supported the Canadian representative's remarks.

Mr. VAILLE (France) agreed to the deletion of paragraph 11, while reserving the right to return to the point he had raised when the Commission examined paragraph 12.

The Commission decided unanimously to delete paragraph 11.

Section 35, paragraph 12

Mr. SHARMAN (Canada) asked the Secretariat whether paragraph 12 was a reproduction of the texts of existing conventions or whether any additions had been made.

Mr. YATES (Secretariat) replied that paragraph 12 corresponded in the main to article 13, paragraph 5 of the 1925 Convention, with the exception of the closing words, "accompanied by copies of each record of entry prepared by the Customs authorities."

Mr. SHARMAN (Canada) was not in favour of adding those words; in his view, the export authorization bearing a record of the various operations was quite sufficient.

Mr. YATES (Secretariat) observed that the words in question, like paragraph 11, had been introduced at a time when it had been intended to set up an international clearing house.

Mr. WALKER (United Kingdom) recalled that in general the proposed convention had been drawn up on the assumption that there would be an international clearing house. Since that institution had been eliminated, certain words and sentences in the proposed convention would probably become superfluous. With regard to paragraph 12, he preferred to maintain the wording of the old convention.

Mr. NIKOLIC (Yugoslavia) agreed with the Canadian representative.

Mr. VAILLE (France) proposed that the words in question should be deleted and replaced by the last sentence of article 13, paragraph 5, and the entire text of paragraph 6 of the 1925 Convention. In other words, a full stop should be put after the words "exporting country or territory", and the following two sentences should be added: "The endorsement shall specify the amount actually imported. If a less quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorization and on any official copy thereof."

The French representative's proposal was adopted by 12 votes to none, with 2 abstentions.

Section 35, paragraph 13

The CHAIRMAN stated that the provision did not appear in the existing conventions, but represented a recommendation of the League of Nations Advisory Committee on Traffic in Opium and other Dangerous Drugs which was contained in the Model Administrative Code to the International Opium Convention.

Mr. SHARMAN (Canada) felt that the Commission would be well-advised in forbidding consignments of drugs to a post office box. Some thirty years previously, that type of shipment had given rise to intensive smuggling, in particular of morphine.

Mr. WALKER (United Kingdom) failed to see any danger in consignments to a post office box, provided that the name of the addressee was clearly shown. The United Kingdom had not much experience of that type of shipment but in some territories it might provide better safeguards than direct shipments. If it was felt, however, that that mode of shipment was dangerous in all cases because it was feared that in some countries the post office did not verify the addressee's identity carefully enough, the prohibition would seem to be justified and he would not oppose it.

Mr. VAILLE (France) entirely agreed with the Canadian representative.

The CHAIRMAN proposed that the Commission should approve the principle of prohibiting exports of consignments to a post office box.

That principle was approved by 11 votes to none, with 3 abstentions.

Mr. SHARMAN (Canada) said that it was conceivable that in exceptional cases exporters of narcotic drugs might prefer to make their consignments to a bank if they were in doubt regarding the solvency of their clients. Most of the time, however, the transactions took place between reputable firms dealing in narcotics. He was therefore in favour of also prohibiting consignments to banks.

Mr. van MUYDEN (Switzerland) associated himself with the United Kingdom's observations on the subject (E/CN.7/AC.3/5, paragraph 1223). With regard to consignments made to banks the Swiss Government considered that the text of paragraph 13 did not sufficiently take into account a practice currently followed in a good many countries. Small consignments of substances sent by post rather than freight were frequently addressed to a bank which in that case acted as a carrying firm. He thought that the words "or to a bank" in that paragraph should be deleted. To prevent any abuses, it should be sufficient to specify that when substances were sent to a bank, the name of the bank besides that of the addressee should be indicated in the documents.

Mr. WALKER (United Kingdom) remarked that the export authorization must state clearly the name of the consignee. So long as that was done, there was no reason why consignments should not be made to banks. Some countries frequently resorted to that method of shipping. Although it was rarely used in the United Kingdom, his Government did not consider that it should be prohibited.

Mr. VAILLE (France) and Mr. SHARMAN (Canada) proposed that the text of the paragraph should be maintained, with the addition of the words "to the account of a third party" which now appeared in brackets.

Mr. WALKER (United Kingdom) said that if those words were included in the text, he would accept the proposed prohibition.

The text as proposed was adopted by 12 votes to none, with 2 abstentions.

Mr. KRUYSSSE (Netherlands) wondered whether it might not be well to specify that in authorized cases consignments made to a bank should be remitted to the person whose name appeared on the export authorization.

Mr. WALKER (United Kingdom) agreed. A provision could be added to the paragraph to the effect that when export to a bank was permitted, the name of the consignee must be on the import and export authorizations.

Mr. VAILLE (France) and Mr. NIKOLIC (Yugoslavia) considered that addition superfluous.

Mr. YATES (Secretariat) said that paragraph 7 (b) of section 35, which corresponded to article 12 of the 1925 Convention adequately covered that point.

Mr. WALKER (United Kingdom) in the circumstances was prepared to withdraw his proposal.

Section 35, paragraph 14

The CHAIRMAN pointed out that the text was based on article 13, paragraph 7 of the 1925 Convention. The Drafting Committee would have to modify it somewhat in the light of the decisions previously taken by the Commission.

Mr. SHARMAN (Canada) said that the provision did not affect his country. Canada had not so far authorized the importation of narcotic drugs in the form of consignments to bonded warehouses, but it had no special objections to allowing other countries to benefit from a system recognized by the existing Conventions.

Mr. VAILLE (France) noted that in France shipments of opium frequently had to remain in a bonded warehouse for some time. If that provision were deleted it would hamper regular trade without improving supervision.



Mr. WALKER (United Kingdom) entirely shared the French representative's view. Clearly the retention of the provision was primarily in the interests of the countries which imported opium.

Mr. OR (Turkey) took a similar view. It would hardly be advisable to change the existing system in that respect, since it had not given rise to abuses.

The CHAIRMAN accordingly proposed that the paragraph should be maintained.

The paragraph was adopted unanimously.

#### Section 35, paragraph 15

Mr. NIKOLIC (Yugoslavia) proposed the deletion of the paragraph which he considered quite unnecessary. According to paragraph 16 all consignments crossing a border, not accompanied by an export authorization would be seized regardless of the mode of transportation.

Mr. WALKER (United Kingdom) agreed with the Yugoslav representative. On the one hand, the text was unnecessary, and on the other it would make all maritime or air shipping firms liable to court action whenever the exporter neglected to attach to his consignment a copy of the export authorization, which would obviously be going too far.

The Yugoslav proposal was adopted unanimously.

#### Paragraph 16

The CHAIRMAN noted that the seizure of consignments not accompanied by an export authorization was a new provision taken from the Model Administrative Codes to the International Opium Convention (League of Nations documents, C.774.M.1932.XI, page 22).

Mr. VAILLE (France) said that since the issue of an export authorization was subject to the prior grant of an import authorization there

was no need to provide that consignments crossing a frontier would be liable to seizure by the customs authorities unless accompanied by copies of the import and export authorizations. Deletion of the words in brackets would be the logical consequence of similar changes made in paragraphs 10, 11 and 15.

Mr. OR (Turkey) was also prepared to accept the inclusion of the new provision provided it did not stipulate that the exporter must attach a copy of the import authorization to the consignment.

Mr. KRUYSSSE (Netherlands) agreed with the French and Turkish representatives that a copy of the export authorization should be sufficient.

Mr. SHARMAN (Canada) thought that the requirement of a copy of the import authorization would be fully justified in cases where the importing vessel was obliged to call at a port at some distance from the importing firm.

The CHAIRMAN put to the vote the text of paragraph 15 with the deletion of the words in brackets.

The text proposed by the Chairman was adopted by 12 votes to 2, with no abstention.

### Section 36

#### Paragraph 1

The CHAIRMAN said that paragraphs 1, 3 and 4 of section 36 were derived from article 15, paragraphs 1, 2 and 3 respectively, relating to drugs in transit of the 1925 Convention. Paragraph 1 of section 36 reproduced in substance the provisions of the earlier text.

Mr. OR (Turkey) proposed adopting paragraph 1 with the deletion of the words in brackets.

That proposal was adopted by 12 votes to 2, with no abstention.

Paragraph 2

The CHAIRMAN said that paragraph 2 was based directly on article 17 of the 1925 Convention.

Mr. VAILLE (France) thought that the text of paragraph 2 would be clearer if the two prohibitions contained therein were stated separately. It strictly prohibited subjecting any consignment of drugs while in transit or whilst being stored in a bonded warehouse to any process which would alter the nature of the drugs in question. The prohibition did not apply, however, to handling which did not alter the nature of the drugs, so that the competent authorities could for example permit a packing to be repaired.

Mr. WALKER (United Kingdom) stressed the importance of the distinction made by the French representative and asked that it should be made clear in whatever wording was adopted.

The CHAIRMAN suggested that the Drafting Committee should take the proposed amendment into account when preparing the final text.

The proposal was adopted unanimously.

Paragraph 3

Mr. YATES (Secretariat) said that paragraph 3 simplified the procedure applicable to diversions which were to be treated as exports from the country of transit to the country of new destination.

Mr. WALKER (United Kingdom) proposed the adoption of paragraph 3.

Paragraph 3 was adopted unanimously.

Paragraph 4

Mr. YATES (Secretariat) said that the first sentence of section 36, paragraph 4, reproduced the substance of the first sentence of article 15, paragraph 3, of the 1925 Convention. The second sentence no longer applied

to any landing on the territory of the country of transit, but to non-traffic or unscheduled landings which in practice meant a landing without discharge of passengers. In that case the provisions governing transit would be applied so far as the circumstances permitted.

Paragraph 4 was adopted unanimously.

Mr. YATES (Secretariat) pointed out that the draft of the single convention omitted two provisions contained in article 15 of the 1925 Convention. Paragraph 4 of that article provided for cases in which the provisions relating to the transit of drugs were incompatible with international agreements limiting the control of States over goods in direct transit; in the event of any such conflict the international agreements governing transit of goods were to prevail. The present text did not contain that provision nor did it contain the provision of article 15, paragraph 5, of the 1925 Convention exempting transport of substances by post from the provisions governing the transit of drugs. The question might be examined in connexion with item 6 of the revised agenda - co-operation between the United Nations and the Universal Postal Union in respect of control of narcotic drugs.

The meeting rose at 4.45 p.m.