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COMMISSION ON NARCOTIC DRUGS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND TWENTY-FIRST MEETING

Held at Headquarters, New York,
on Thursday, 23 April 1953, at 2.30 p.m.

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Draft report on the eighth session of the Commission
(E/CN.7/L.35/Add.1, E/CN.7/L.35/Add.8, E/CN.7/L.35/Add.13,
E/CN.7/L.43) (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. AMANRICH	France
	Mr. KRISHNAMOORTHY)	India
	Mr. MATHUR)	
	Mr. ESFANDIARY	Iran
	Mr. KRUYSE	Netherlands
	Mr. KULAGA	Poland
	Mr. OR	Turkey
	Mr. WALKER	United Kingdom of Great Britain and Northern Ireland
	Mr. MORLOCK	United States of America
	Mr. ZONOV	Union of Soviet Socialist Republics

Also present:

Mr. MAY	Permanent Central Opium Board
Mr. van MUYDEN*	Observer for Switzerland

Secretariat:

Mr. YATES	Director, Division of Narcotic Drugs
Mr. CELINSKI	Secretary of the Commission

* Alternate

DRAFT REPORT ON THE EIGHTH SESSION OF THE COMMISSION (E/CN.7/L.35/Add.1, E/CN.7/L.35/Add.8, E/CN.7/L.35/Add.13, E/CN.7/L.43) (continued)

The CHAIRMAN invited members to resume consideration of the draft report, beginning with the last part of document E/CN.7/L.35/Add.1, "Functions of the Board", and in commenting upon it, to make specific proposals.

E/CN.7/L.35/Add.1

Mr. KRISHNAMOORTHY (India) proposed that the words "the new Board" should be replaced by the words "the Board" in the third sentence of the first paragraph on page 11.

It was so decided.

Mr. WALKER (United Kingdom) and Mr. AMANRICH (France) proposed that the third sentence of the last paragraph on page 11 should be re-worded as follows: "The 1931 Convention applies to manufactured drugs, while the new convention may also well apply to raw materials such as opium, coca leaves and Indian hemp".

It was so decided.

Mr. KRISHNAMOORTHY (India) proposed that the word "unfeasible" should be replaced by the word "impracticable" in the penultimate line of the document.

It was so decided.

Document E/CN.7/L.35/Add.1, as amended, was adopted.

E/CN.7/L.35/Add.8

Mr. WALKER (United Kingdom) proposed that the beginning of the last sentence on page 2 be re-worded as follows: "Against this, it was argued that the forthcoming ...".

It was so decided.

Mr. MAY (Permanent Central Opium Board) proposed that the last two sentences of the second paragraph on page 3 should be replaced by one sentence,

worded as follows: "The Commission also decided that the new Convention should provide for both export and import embargoes".

It was so decided.

Mr. MAY (Permanent Central Opium Board) and Mr. WALKER (United Kingdom) proposed that sub-paragraphs (bb) and (cc) on page 3 should be combined to form one sub-paragraph, reading as follows: "Although it is considered that the reasons for which enforcement action can be taken under the present conventions are too narrow, the draft single convention goes too far in the opposite direction and the reasons therein set out should be more closely defined".

It was so decided.

Mr. WALKER (United Kingdom) proposed that the word "presently" in the English text should be replaced by the words "at the present time" in the second sentence of sub-paragraph (dd) on page 4.

It was so decided.

Mr. OR (Turkey) proposed that the first words of the third paragraph on page 5 of the French text should be replaced by the words "Certains membres de la Commission".

It was so decided.

Mr. KRISHNAMOORTHY (India) proposed that the words "imposes upon" should be replaced by the word "impedes" in the English text of the second sentence of the same paragraph (page 5, line 13).

It was so decided.

Mr. NIKOLIC (Yugoslavia) proposed that the word "bons" should be replaced by the word "efficaces" in the French text of the first sentence on page 6.

It was so decided.

Mr. NIKOLIC (Yugoslavia), Rapporteur, pointed out that the word "appeal" in the fifth line of the fourth paragraph on page 7 of the English text should read "embargo".

Mr. WALKER (United Kingdom) thought the meaning of footnote 1 on page 8 should be made clearer and proposed the following wording: "It is believed that such recommendations would be made only in respect of offences which would be very serious, though less grave than those for which the provision of a mandatory embargo is intended".

Mr. NIKOLIC (Yugoslavia), Rapporteur, thought the sentence should be placed in the text itself and not in a footnote.

The CHAIRMAN proposed that the Commission should adopt the sentence proposed by the United Kingdom representative and insert it in the text, in accordance with the Rapporteur's proposal.

It was so decided.

Mr. KRISHNAMOORTHY (India) proposed that the last paragraph on page 7 of the English text should be slightly amended to read as follows: "The Commission considered whether the appeal should be made to the Economic and Social Council, or a permanent appeal body appointed either by the Council, or by the International Court of Justice ...".

It was so decided.

Mr. AMANRICH (France) pointed out that the beginning of the first sentence of the third paragraph on page 8 of the French text did not correspond to the English text. He proposed that it should be amended to read:

"La Commission n'est pas arrivée à un accord sur ...".

It was so decided.

Mr. KRISHNAMOORTHY (India) thought it would be advisable to replace the phrase "such effect could be granted by the appeal body or its chairman" in the

second sentence on page 8 of the English text by the words "such effects could be granted by its chairman or in exceptional cases by the appeal body".

Mr. NIKOLIC (Yugoslavia), Rapporteur, pointed out that the three alternatives concerning the suspensive effects of the appeal were clearly indicated in the annex to the report (E/CN.7/L.35/Add.13, page 9) and it did not seem necessary to mention them in the passage of the report now under consideration.

Mr. AMANRICH (France) pointed out that in the French text the words "deux variantes" should be replaced by the words "trois variantes".

Mr. KRISHNAMOORTHY (India) pointed out that his only proposal had been to insert the words "in exceptional cases".

The CHAIRMAN proposed that the three alternatives specified in the annex should be mentioned in the passage of the report in question.

It was so decided.

Mr. MAY (Permanent Central Opium Board) thought that the phrase "the relevant provisions of the French as well as of the English text of article 20 of the International Opium Convention of 1925" (E/CN.7/L.35/Add.8, page 8) did not exactly describe the decision taken by the Commission, and suggested that it should be replaced by the words "the provisions of the French text with the addition of the relevant provisions of the English text ...".

The CHAIRMAN said that the Commission's decision appeared in the annex to the report (E/CN.7/L.35/Add.13, section 28 (a) and (b)). As the latter text was more accurate, he suggested that it should be inserted at the appropriate place in the text.

It was so decided.

Mr. OR (Turkey) pointed out that the word "emballages" in the second paragraph on page 10 of the French text should be replaced by "conditionnements", as requested by the French representative.

Mr. AMANRICH (France) thought that the words "emballages extérieurs des stupefiants" in the second paragraph on page 11 of the French text should be replaced by "emballages extérieurs des colis contenant des stupefiants" and the word "etiquette" by "label". The word "emballage" was a translation of "external wrapping" and the word "conditionnement" had a somewhat different meaning and corresponded to "standard wrapping" in English.

Mr. WALKER (United Kingdom) drew attention to the penultimate paragraph of the document, and asked the Rapporteur whether it was correct that the Commission had decided that a consignment unaccompanied by a copy of the export authorization should be seized. He asked what meaning was to be attached to the word "seized".

Mr. NIKOLIC (Yugoslavia), Rapporteur, read the passage referring to section 35, paragraph 16, in the summary record of the 206th meeting of the Commission which clearly showed that the Commission had adopted that paragraph after deleting the words between parentheses.

Mr. MATHUR (India) said that, in his opinion, there was a big difference between the word "seize" which meant that goods would be sequestered until the decision of the tribunal was handed down, and the word "confiscate" which meant that the goods would be definitely taken away from their owner.

Mr. WALKER (United Kingdom) agreed with the Indian representative on the meaning of the two words in question.

E/CN.7/L.35/Add.13

The CHAIRMAN invited the Commission to examine document E/CN.7/L.35/Add.13, referring to the part of the report dealing with the Commission's decisions on the draft single convention.

Mr. WALKER (United Kingdom) thought that the note relating to section 21 on page 4 would be clearer if it referred to the relevant provisions

of section 26 of the draft convention, and therefore suggested that the words "see sub-paragraph (iv) of paragraph (c) (E/CN.7/L.35/Add.13, page 9)" should be added at the end of the note.

After an exchange of views, Mr. WALKER (United Kingdom) suggested that the note referring to section 23, paragraph 4, should not be inserted in the body of the text but should remain at the bottom of the page.

It was so decided.

Mr. MATHUR (India) recalled that the Commission had agreed to complete the text of section 23, paragraph 5, by adding the words "and supplementary estimate" after the words "every estimate".

Mr. KRUYSSSE (Netherlands) did not think that that point need be emphasized in the report. When the Secretariat prepared the new text of section 23 it could, if it thought advisable, define that point in paragraph 5.

It was so decided.

Mr. OR (Turkey), referring to section 26 (individual clauses) said that the French and English texts should include the two alternatives: "inexécution" which corresponded to "failure to carry out" and "mauvaise exécution" which corresponded to "substantial failure". On the other hand, it was understood that those two alternatives must appear in paragraph 2 of section 26 as well as in paragraph 1 (c).

Mr. NIKOLIC (Yugoslavia) agreed with the Turkish representative's remarks.

Mr. WALKER (United Kingdom) also expressed his agreement. The two expressions "inexécution" and "mauvaise exécution" should appear in the new text of section 26 wherever the word "inexécution" now appeared. The Commission would take a final decision on that point when it examined the redrafted text of the draft single convention.

Mr. KRUYSSSE (Netherlands) supported that statement.

The CHAIRMAN therefore suggested that the Turkish representative's proposal should be adopted.

It was so decided.

After an exchange of views, Mr. NIKOLIC (Yugoslavia), Rapporteur, supported by Mr. WALKER (United Kingdom) and Mr. AMANRICH (France), suggested that the words "in accordance with the present provisions of article 14, paragraph 2 of the 1931 Convention" should be retained in paragraph (e) on page 8.

It was so decided.

Mr. NIKOLIC (Yugoslavia), referring to paragraph (c) on page 9 said that the words "the interested government" in sub-paragraph (ii) might lead to a misunderstanding. It should be clearly stated that only the government against which an embargo had been declared could lodge an appeal.

The CHAIRMAN recalled the discussion which had taken place on that question. It was correct that legally interpreted the words "the interested government" might apply to all States whose interests were affected by the embargo.

Mr. AMANRICH (France) thought that the French text was perfectly clear. The words "the interested government" could mean only the government of the State against which an embargo had been declared. It was precisely to prevent any ambiguity on that point that the Commission had decided, when it had examined the Drafting Committee's report, to add the words "by the interested government" in sub-paragraph (ii) and to explain in the text of the alternative paragraph (cc) in sub-paragraph (iv) that the request should be made by "the interested government".

Mr. KRUYSSSE (Netherlands) and Mr. WALKER (United Kingdom) suggested that in order to make the English text clearer, the words "the interested government" should be replaced by "the government concerned", which had been the words used when the Commission had discussed that point.

The proposal was adopted.

Mr. OR (Turkey) recalled, in connexion with alternative (cc), that according to the Commission's decision the embargo could be suspended temporarily only at the "express" request of the government concerned. In his opinion it would be better to reinsert the word "express" in the text.

Mr. NIKOLIC (Yugoslavia), Rapporteur, did not think that addition was absolutely necessary.

Mr. WALKER (United Kingdom) thought that the present text of the report might cause confusion. A government might consider that it had already requested the temporary suspension of an embargo merely by lodging an appeal. The addition of the word "express" showed beyond any doubt that notice of appeal alone was not sufficient.

The CHAIRMAN, taking up the Turkish representative's proposal, suggested that the word "express" should be restored in the text of alternative (cc).

It was so decided.

The meeting rose at 5.30 p.m.

6/5 a.m.