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COMMISSION ON NARCOTIC DRUGS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND TWELFTH MEETING

Held at Headquarters, New York,  
on Wednesday, 15 April 1953, at 2.45 p.m.

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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. ARDALAN	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. ANSLINGER	United States of America
<u>Also present:</u>	U BA MAUNG	Burma
	Mr. DEVAKUL	Thailand
	Mr. MAY	Permanent Central Opium Board

Representative of a specialized agency:

	Mr. WOLFF	World Health Organization (WHO)
<u>Secretariat:</u>	Mr. HUANG } Mr. LANDE }	Division of Narcotic Drugs
	Mr. CELINSKI	Secretary of the Commission

ILLICIT TRAFFIC; (c) SITUATION REGARDING ILLICIT TRAFFIC IN THE FAR EAST;  
(d) REPORTS ON THE ILLICIT TRAFFIC (E/CN.7/252, 257; E/CN.7/L.21, L.21/Add.1,  
L.21/Add.2, E/2233, E/NR.1951/Summary) (continued)

Mrs. KOWALCZYK (Poland) said that at the previous meeting the United States representative had made many slanderous statements concerning the Central People's Government of the People's Republic of China based on data assembled from many different and largely unaccredited sources. The Commission should not discuss those charges because the Government thus accused had been quite improperly excluded from participation in the Commission's debates and had no opportunity to defend itself.

Mr. ZONOV (Union of Soviet Socialist Republics) said that the entire procedure for dealing with the question of the illicit traffic in the Far East was artificial. That had been obvious from the very outset during the discussion of the agenda for there was no reason to include the item separately on the agenda instead of considering it in conjunction with chapter V of the summary of annual reports of governments. (E/NR.1951/Summary).

The United States representative's slanderous statements about the Central People's Government of the People's Republic of China were unworthy of any reply. The United States had made very similar charges at the previous session, but they had been clearly refuted by the Ministry of Foreign Affairs of the People's Republic of China in a special statement issued on 19 May 1952 (E/2233). He would therefore not expatiate at length on the subject.

The United States representative had cited various communiques from the Chinese press in support of his charges. Naturally those papers contained information on the fight against the illicit traffic. There was nothing secret or unusual about that campaign. He noted, however, that the United States representative's charges against the Central People's Government of the People's Republic of China were invariably made in the absence of the representative of that Government. If a legitimate representative of the Chinese people were at the Commission he could give a proper reply to the charges. Indeed, in such a case the United States representative would probably have not dared to make such accusations.

The charges against the Central People's Government and the people of China were being advanced by persons who had for all practical purposes been the masters of China for many decades when they had made no attempt to eliminate opium smoking. As soon as the Chinese people, however, had taken charge of their own affairs a campaign of hatred had been directed against them.

He could cite a number of governmental decrees prohibiting the illicit traffic in and the use of narcotic drugs. That legislation which was well known to the Commission was very strict in that respect. It prohibited the use of narcotic drugs and prescribed severe penalties for offenders.

For example, certain legislation adopted as far back as 1950 provided that persons guilty of illicit trafficking in narcotic drugs were subject to the death penalty or to lengthy terms of imprisonment. Moreover, the narcotic drugs and equipment found in their possession as well as all facilities they had employed for transporting the drugs and the like were subject to confiscation. There were many decrees issued by the Central People's Government described at length in the Chinese press which could be cited to show the methods being used to do away with the use of narcotic drugs.

The curse of opium smoking had plagued the Chinese people for many years. That nation had gone to the lengths of fighting a war to do away with the use of opium by addicts. Yet, strangely enough the laudable efforts of the Central People's Government to suppress the evil were being derided in the Commission. It was entirely out of place in the Commission to give a political cast to the debate on the question of illicit traffic. The General Assembly was clearly the proper body in which to raise such issues.

The whole purpose of reviving the issue was merely to exploit the subject for political propaganda against a Government which was displeasing to the United States of America. The only objective of the United States representative's statement was to ensure that his charges appeared in the United States press which would undoubtedly devote considerable space to the matter. That was ample proof of the fact that the issue had been trumped up out of whole cloth.

Neither did he intend to refer to the illicit traffic situation in the United States. The Commission had already heard that over a hundred ships of United States registry were engaged in the illicit trade and that several of the ships had been implicated in numerous cases. The facts spoke for themselves.

Mr. LIANG (China) said on behalf of his Government that he supported the United States representative's report on the illicit traffic in the Far East, a report which wholly confirmed his own Government's findings in the matter.

Mr. ANSLINGER (United States of America) pointed out that it had originally been the USSR representative who had introduced a political aspect into the debate. The Commission had heard from the USSR representative propaganda concerning the illicit traffic rather than statements of fact.

With regard to the question of hearing a representative of the Communist Government of China, if all that representative could contribute to the debate was the statement issued by the Ministry of Foreign Affairs (E/2233) which contained little but abuse and vilification, he thought the hearing would not lead to any constructive action. He wondered in fact why that regime had not submitted a factual report to the Commission on the subject if it sincerely wished to contribute to the elimination of the illicit traffic.

The USSR delegation had raised the political issue many years earlier. In fact at the previous session he had been attacked by Communists because of the statement he had then made concerning the illicit traffic in the Far East. All kinds of denunciations and insolent distortions had been made indirectly. They were obviously traceable to the fact that he personally had submitted a factual statement on the subject. He suggested that if the Chinese Communist regime wished to reply to his report, it might take up his statements paragraph by paragraph. That was the usual method of procedure. Arrogant charges of slander were not sufficient answer to the facts he had cited.

Mr. VAILLE (France) said that contrary to the USSR representative's statement, his Government did not hate the Chinese people but it did hold in contempt anyone who helped to promote the illicit traffic and thus perpetrated a terrible evil upon mankind. He believed that the United States representative held the same view.

He had been impressed by the remarkable report submitted by the United States and congratulated the United States representative on his constructive contribution to the debate.

The CHAIRMAN thought that there had been ample opportunity for full debate on the subject and therefore, in accordance with rule 43 of the rules of procedure, put to the vote the proposal that the debate should be closed.

The proposal was adopted by 10 votes to 3 with 1 abstention.

Mr. ZONOV (Union of Soviet Socialist Republics) said that he had voted against ~~that~~ proposal because slanderous statements had been made and he had been given no opportunity to reply. He pointed out that he had not introduced the political issue into the debate but that the question had come up in connexion with certain slanderous statements in the summary of Annual Reports of Governments (E/NR.1951/Summary) which should have been a purely technical document. In the interests of justice he had been compelled to protest against certain portions of that document for those reasons.

Mr. WALKER (United Kingdom) said he had voted against the closure of the debate for he thought the USSR representative was entitled to reply to certain statements. He had in particular refrained from speaking because he was aware that the Commission was slightly behind schedule. He was certain that the Chairman had made his proposal with those considerations in mind.

The CHAIRMAN said that in case of doubt as to the proper procedure to follow, he invariably submitted the question to the Commission as a whole. It was for that reason that he had asked the Commission to decide whether or not the debate on the illicit traffic should be closed.

He proposed that the Commission should take note of the memorandum by the Secretary-General on the illicit traffic in narcotic drugs during 1952 (E/CN.7/252).  
The proposal was adopted by 12 votes to none, with 2 abstentions.

The CHAIRMAN pointed out that the text of chapters V of annual reports from a number of countries had been circulated in document E/CN.7/L.21/Add.1. The Commission might wish to discuss the document forthwith.

Mr. VAILLE (France) thought that the information submitted under chapters V of the annual reports was extremely important, but suggested that the discussion should be postponed until the next session when he hoped that the French translation would be available.

Mr. OR (Turkey) endorsed the French representative's proposal.  
The French proposal was adopted by 11 votes to 1, with 2 abstentions.

Mr. NIKOLIC (Yugoslavia) thought it was unwise to postpone consideration of chapters V of the annual reports of certain governments (E/CN.7/L.21/Add.1). They related to the illicit traffic in 1952 and postponement of the discussion until 1954 would mean that much of the material would be out of date and therefore less valuable.

The CHAIRMAN proposed that the Commission should take note of Chapters V of Annual Reports For the Year 1952 Made by Governments under the 1931 Convention (E/CN.7/L.21, L.21/Add.2).

Mr. ZCNOV (Union of Soviet Socialist Republics) asked that the proposal should be put to the vote.

The proposal was adopted by 12 votes to 2.

The CHAIRMAN proposed that the Commission should take note of the note by the Secretary-General on the Control of the Illicit Traffic in Narcotic Drugs (E/CN.7/257).

The proposal was adopted unanimously.

Mr. NIKOLIC (Yugoslavia) pointed out that he had raised the question concerning summaries of seizures of synthetic narcotic drugs. He wondered whether that question would be discussed at the close of the session.

The CHAIRMAN said that in view of the Commission's decision to close the debate on the illicit traffic it might be better to raise that issue under the item "Other questions".

ABOLITION OF OPIUM-SMOKING IN THE FAR EAST: (a) DRAFT RESOLUTION CONCERNING REPORTS ON THE ABOLITION OF OPIUM-SMOKING AND REPORTS OF GOVERNMENTS FOR THE YEARS 1950 AND 1951 (E/CN.7/243, E/CN.7/244, E/CN.7/244/Add.1 - 3)

The CHAIRMAN welcomed U Ba Maung (Burma) who had been invited to attend the meetings of the Commission in connexion with the discussion of the question of the abolition of opium-smoking in the Far East.

U BA MAUNG (Burma), after thanking the Chairman for his welcome, said that he would be unable to take part in the discussions as he had not so far received any instructions from his Government on the question of the abolition of opium-smoking in the Far East.

The CHAIRMAN pointed out that pursuant to the Commission's decision at the previous session, the Secretariat had prepared the text of a draft resolution concerning reports on the abolition of opium-smoking (E/CN.7/243).

Mr. WALKER (United Kingdom) suggested that it might be better to discuss the draft resolution after the Commission had considered the various reports on opium-smoking.



Mr. SHARMAN (Canada) thought the purpose of the draft resolution was to formulate the Commission's decision that reports on opium-smoking should be included in the regular annual reports of governments. As the text was merely an expression of a decision the Commission had already taken he thought it could be dealt with forthwith.

Mr. VAILLE (France) endorsed the Canadian representative's remarks. The Commission had no more doubts in that respect and could proceed to consider the drafting of the resolution, which had very important practical implications.

Mr. WALKER (United Kingdom) said that he would not press his proposal.

The CHAIRMAN asked whether the Commission wished to retain the words in parentheses in the fourth paragraph of the preamble of the draft resolution.

Mr. SHARMAN (Canada) thought that those words were unnecessary, and suggested that the first sentence of the paragraph in question should be redrafted to read "Simplifying the task of Governments" etc. ...

Mr. KRISHNAMOORTHY (India), Mr. NIKOLIC (Yugoslavia) and Mr. VAILLE (France) also thought the words in parentheses were unnecessary.

The CHAIRMAN suggested that the words in parentheses should be deleted in view of the opinions which had been expressed.

It was so decided.

Mr. VAILLE (France) proposed that an additional paragraph should be inserted in the draft resolution after the paragraph beginning with the words "Desiring to simplify the task of Governments...". His amendment would read as follows: "Considering that no good reason can be adduced to justify the continued legal existence of opium-smoking and that no excuse can henceforth be regarded as acceptable in this field\*".

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\* provisional text

In explanation of his amendment he said that the paragraph was not intended to apply to a case where the Government was at war and unable to prevent opium smoking. Its purpose was to prevent Governments from failing to adhere to the principle that countries where opium-smoking was still permitted should attempt to do away with the practice as rapidly as possible.

Mr. NIKOLIC (Yugoslavia) and Mr. OR (Turkey) supported the French amendment, which they considered constructive.

Mr. ANSLINGER (United States of America), supporting the French amendment, said that opium-smoking was still legal in a few countries such as Thailand, Pakistan and certain Indian States.

Mr. KRISHNAMOORTHY (India) said that he could not support the French amendment if it also referred to registered drug addicts as, although opium-smoking was prohibited in India, such registered addicts which constituted an insignificant and steadily diminishing number, were allowed to continue smoking opium. Out of a total population of 350 million, there were approximately 3,000 registered opium addicts in India.

Mr. SHARMAN (Canada) said that he would be prepared to vote only after he had studied the written text of the French representative's amendment as such cases as the one to which the Indian representative had referred might arise.

Mr. WALKER (United Kingdom) wished to have more time to study the French amendment as it was a radical one which changed the whole tenor of the draft resolution.

Mr. VAILLE (France) said that he was somewhat surprised at the statements made. He understood that the addicts mentioned by the Indian representative would be cured within a certain period of years, but thought that the time limit for such a cure should not be extended.

Mr. WALKER (United Kingdom) moved the adjournment of the debate on the French amendment until Monday, 20 April 1953.

Mr. VAILLE (France) opposed the United Kingdom representative's motion and suggested that the Commission should vote on the principle of the French amendment.

The CHAIRMAN quoted rule 50 of the rules of procedure and put the United Kingdom motion for adjournment of the debate to the vote.

The motion was rejected by 6 votes to 4 with 4 abstentions.

The CHAIRMAN then put the French representative's amendment to the vote.  
The amendment was adopted by 8 votes to 2 with 4 abstentions.

Mr. SHARMAN (Canada), explaining his vote, said that he was not opposed in principle to the French amendment, but had been compelled to vote against it because he had had no time to study it.

Mr. KRISHNAMOORTHY (India) said that he had had to vote against the French amendment as it did not take the case of registered addicts into account.

Mr. WALKER (United Kingdom) said that he had abstained from voting on the amendment as a protest against the introduction of manuscript amendments, at such short notice, a procedure of which he disapproved in a matter of such importance.

Mr. NIKOLIC (Yugoslavia) said that he had voted in favour of the French amendment. He understood the Indian representative's position, however, and thought that registered drug addicts could be compared to hospital patients undergoing treatment for addiction.

Mr. EZZAT (Egypt) said that he had voted for the French amendment as his Government strictly prohibited opium smoking.

The CHAIRMAN pointed out that the Commission would lose much time if it adhered strictly to the rules of procedure and insisted that each amendment should be submitted in writing and translated.

Mr. WALKER (United Kingdom) said that he had not wished to suggest that all amendments should be submitted in writing, but, in the case of the French amendment, he saw no reason why it could not have been circulated earlier in the meeting.

Mr. OR (Turkey) suggested the deletion of the words "as speedily as possible" in the first paragraph of the operative part of the draft resolution as they were redundant.

Mr. NIKOLIC (Yugoslavia) was unable to support the suggested deletion.

Mr. KRISHNAMOORTHY (India) agreed that as the French representative's amendment had been adopted, the words "as speedily as possible" were unnecessary.

Mr. VAILLE (France) could not agree with the Indian representative's view.

He hoped that all countries in which opium smoking was still practised would use all possible methods to suppress that evil.

The CHAIRMAN put the Turkish representative's amendment to the vote.  
The amendment was rejected by 4 votes to 4, with 6 abstentions.

Mr. SHARMAN (Canada) suggested that, as national narcotics administrations throughout the world were unlikely to keep records of Economic and Social Council resolutions, the resolution pursuant to which they were to take action should be quoted in the letter of request. He thought that that had been the original reason for the draft resolution now under discussion.

Mr. HUANG (Secretariat) said that the usual practice had been merely to insert a footnote indicating the appropriate part of the Council resolution.

Mr. NIKOLIC (Yugoslavia) could not agree with the wording of the last paragraph. He proposed that the words "and such other information on this subject as may be requested from time to time by the Commission on Narcotic Drugs" should be deleted. Once the draft single convention had been signed, signatory governments would have accepted certain undertakings as to what information they would supply and the Commission on Narcotic Drugs would not be empowered to require them to submit other information from time to time. It was true that the Commission could change the form of annual reports but the same form would apply to all countries whereas the present resolution, as drafted, could refer to supplementary information not necessarily to be requested from all countries. He thought the Economic and Social Council would not accept such a proposal.

In reply to a question by Mr. KRUYSSSE (Netherlands), Mr. HUANG (Secretariat) recalled that in accordance with article 21 of the 1931 Convention the Commission was empowered to draft the form of annual reports on the working of that Convention which did not apply to opium. In so far as other questions were included, that was based on an authority other than article 21. In addition the Opium Smoking Agreement of 1925 and the recommendations adopted at the International Opium Conference of 1931 contained certain provisions requiring governments to furnish information on opium smoking. At present information on opium smoking was furnished to the Secretary-General separately under Council resolution 159 II B (VII). It would represent a considerable simplification if the information were included in the reports which governments furnished in accordance with article 21 of the 1931 Convention.

Mr. NIKOLIC (Yugoslavia) was aware of the provisions of the various conventions and resolutions but thought that if draft resolution E/CN.7/243 were left in its present form governments would no longer know exactly what information might be required of them. Once the form of annual reports had been decided upon it could not be changed from time to time in order to request some countries to provide supplementary information in their reports.

Mr. WALKER (United Kingdom) suggested that if the Yugoslav representative's point was that extraneous information was being sought within the framework of the annual reports, it might be met by replacing the word "include" by the word "attach" in the first line of the last paragraph of the draft resolution and the word "in" by the word "to" in the fourth line.

Mr. NIKOLIC (Yugoslavia) had no objection to the United Kingdom representative's suggestion but would none the less prefer that the words he had quoted should be deleted because, if they were retained, the present draft resolution would go beyond the meaning of the Council resolution to which it referred.

Mr. VAILLE (France) supported the Yugoslav representative's proposal.

At the request of the CHAIRMAN, Mr. LANDE (Secretariat) explained why the words in question had been inserted: the 1931 Convention did not apply to opium-smoking; article 21 of the 1912 Convention referred only to reports on laws and regulations and to statistical information; article 8 of the 1925 Opium-Smoking Agreement and recommendation VIII of the 1931 Bangkok Opium-Smoking Conference requested certain information on opium-smoking. It was clear, therefore, that if the Commission had the right to request information on opium-smoking to be included in the annual reports, its authority for doing so could not be based on article 21 of the 1931 Convention or article 21 of the 1912 Convention and there would therefore be an advantage in having an authorization from the Council for the purpose.

Mr. VAILLE (France) was not convinced that the phrase to which the Yugoslav representative objected was necessary and thought, moreover, that it might give rise to redundancy in the requests for information.

The CHAIRMAN put to the vote the Yugoslav proposal to delete the words "and such other information on this subject as may be requested from time to time by the Commission on Narcotic Drugs" in the last paragraph of draft resolution E/CN.7/243.

The Yugoslav proposal was adopted by 8 votes to 4, with 2 abstentions.

Mr. WALKER (United Kingdom) explained that he had supported the proposal because in his opinion the Commission was always entitled to ask Governments for information and did not require the Council's authorization to do so. He considered that by deleting the phrase the Commission was not limiting its right to ask for information.

The CHAIRMAN put to the vote the last paragraph of E/CN.7/243, as amended by the Yugoslav proposal.

The last paragraph, as amended, was adopted by 11 votes to 2, with 1 abstention.

Mr. KRISHNAMOORTHY (India) said that, as he had been obliged to vote against the French amendment he would be obliged to vote against the draft resolution as a whole in its present form. However, as the French amendment referred to the principle of the abolition of opium-smoking, with which the Indian Government fully agreed, he suggested the insertion, after the words: "of opium-smoking" in the new paragraph proposed by France, of a phrase on the following lines "except in regard to a system of registered addicts in countries which have already adopted the international agreements relating to opium-smoking". He thought that in view of the remarks of the Yugoslav and French representatives, there might be no objection to his proposal.

Mr. ANSLINGER (United States of America) said that, for his part, he would be unable to support the Indian proposal because he thought that the object of the French amendment was quite clear and the Indian proposal might open the way for the extension of opium-smoking in the countries in question.

The CHAIRMAN pointed out that the Commission had already discussed and taken decisions on each paragraph of the draft resolution but, in order to ascertain the Commission's opinion on the principle contained in the Indian proposal, he would put that principle to the vote. If the principle were accepted, the Indian representative could draft his amendment and it could be put to the vote on the following day.

The principle embodied in the Indian amendment to the French amendment which formed the last paragraph of the preamble was rejected by 4 votes to 3, with 7 abstentions.

Mr. NIKOLIC (Yugoslavia) explained that, although he had voted for the French amendment because it upheld the principle of suppressing opium-smoking, he had also voted in favour of the principle of the Indian proposal because he thought that registered opium-smokers should be regarded as medical cases. However, it would have been necessary to draft the wording of such a principle very carefully because, as the United States representative had rightly stressed, countries should not be allowed to use registered opium-smokers as an excuse for failing to prohibit opium-smoking.

Mr. SHARMAN (Canada) said that he had abstained from voting on the Indian proposal for reasons he had already explained in connexion with the vote on the French amendment. An important question of principle was involved, and as it had been presented verbally during the meeting there had been no time to give it proper consideration.

The CHAIRMAN, speaking as the representative of Mexico, explained that he had voted against the principle contained in the Indian proposal as a logical consequence of his vote in favour of the French amendment, the same question of principle being involved.

Speaking as the Chairman, he invited the Commission to vote on draft resolution E/CN.7/243, as amended, as a whole.

The draft resolution as a whole was adopted by 11 votes to 1, with 2 abstentions.

The meeting rose at 5.25 p.m.