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COMMISSION ON NARCOTIC DRUGS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND TENTH MEETING

Held at Headquarters, New York,
on Tuesday, 14 April 1953, at 3.15 p.m.

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Summary of illicit transactions and seizures (E/NS.1952/Summary 6).

Request for information from the Government of Ecuador.

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. ANSLINGER	United States of America
<u>Also present:</u>	Mr. DEVAKUL	Observer for Thailand
	Mr. CANAPERIA	Observer for Italy
	Mr. MAY	Permanent Central Opium Board

Representative of a specialized agency:

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

ILLEGIT TRAFFIC: (a) REPORTS ON THE ILLEGIT TRAFFIC (E/CN.7/L.21, L.21/Add.2, E/CN.7/257, E/CN.7/252, E/NR.1951/Summary)(continued); (d) SMUGGLING BY SEAMEN E/CN.7/L.21 (continued)

Mr. ZONOV (Union of Soviet Socialist Republics) said that his statement at the previous meeting had evidently been misunderstood by the French representative. He wished to make it clear that, in referring to accusations brought against the People's Republic of China, he had had in mind political accusations against a specific country and government and not individual violations of narcotics regulations.

He failed to understand the assertion which the United States representative had made at the same meeting that the USSR had not submitted a report for the year 1952. The USSR invariably submitted an annual report, which always included information relating to Chapter V.

E/CN.7/L.21/Add.2

At the invitation of the Chairman, Mr. Devakul (Observer for Thailand) took a seat at the Commission table.

The CHAIRMAN welcomed the observer for Thailand and recalled the invitation the Commission had extended to the Government of Thailand at the beginning of the session to be represented at the conference table during the discussion of item 8 of its agenda - abolition of opium-smoking in the Far East.

In reply to Mr. VAILLE (France) and Mr. OR (Turkey), Mr. DEVAKUL (Thailand) said that opium was not cultivated in Thailand except in the north of the country where, as in neighbouring countries, control was difficult.

Mr. ANSLINGER (United States of America) pointed out that Thailand was the only country which still permitted opium smoking and enquired how supplies of opium were obtained for smoking dens, if neither the cultivation nor the importation of opium was authorized.

Mr. DEVAKUL (Observer for Thailand) replied that, while raw opium was occasionally imported into Thailand, the supplies for smoking dens were mainly derived from seizures.

Since many factors which were not purely technical were involved in the situation in Thailand, he felt that a public statement on the matter would be somewhat embarrassing and that it would be more appropriate for the information requested by the United States representative to be obtained through diplomatic channels. As the United States representative was aware, the Government of Thailand was attempting gradually to suppress the traffic in opium. Legislation would not be effective for the purpose and might in fact make the situation worse. The traffic in opium did not originate in Thailand and had increased substantially since the war, a state of affairs to which political conditions in northern Burma and Indochina had contributed.

Mr. ANSLINGER (United States of America) proposed that further discussion of the matter should be postponed until the Commission was dealing with item 8 of its agenda relating to the abolition of opium smoking.

It was so decided.

Mr. Devakul (Thailand) withdrew.

E/CN.7/257

The CHAIRMAN commented on the small number of countries which had responded to Economic and Social Council resolution 436 (XIV) C and said that any further replies received by the Secretariat would be submitted to the Commission at its next session.

Mr. KRUYSE (Netherlands) suggested that, in circulating replies from governments, it would be useful if the Secretariat in future reproduced the resolution to which the replies related.

Mr. CELINSKI (Secretary of the Commission) said that the Netherlands representative's suggestion would be noted.

E/CN.7/252

Mr. NIKOLIC (Yugoslavia) enquired why there was no reference to Yugoslavia in Chapter II of the document, since to his certain knowledge Yugoslavia had submitted an annual report for 1952.

Mr. HUANG (Secretariat) replied that the report for Yugoslavia had been received by the Secretariat on 3 March 1953. It had not been included in Chapter II of the document because it had provided no information on Chapter V.

Mr. ANSLINGER (United States of America) pointed out with reference to Chapter III of the document that by far the largest seizure of prepared opium had been reported by Iran. He wondered what the reason for that was.

Mr. KRISHNAMOORTHY (India) and Mr. ANSLINGER (United States of America) noted that in three of the cases of the smuggling of raw opium and morphine by air mentioned in Chapter V of the document, the aircraft had come from Bangkok. In view of the fact that Thailand neither cultivated nor imported opium, some explanation seemed indicated.

Mr. EZZAT (Egypt) drew attention to the statement in paragraph 42 (1) in Chapter V that raw opium had, as usual, been smuggled into Egypt from the East. The phrase "as usual" was particularly appropriate, since 95 per cent of the narcotic drugs entering Egypt did so across its eastern borders.

Mr. ANSLINGER (United States of America) said with reference to Chapter VII clandestine manufacture was extremely important. He congratulated the French Government on its reports on clandestine laboratories which contained all the needed information and hoped that other Governments would emulate the French example.

Mr. SHARMAN (Canada) endorsed the United States representative's remarks, adding that under the International Conventions governments had agreed to report on important cases of illicit traffic. He thought that any case involving a discovery of a clandestine laboratory should be deemed important and reported automatically.

Mr. NIKOLIC (Yugoslavia) pointed out that at the previous session the Economic and Social Council, at the recommendation of the Commission had adopted largely at the insistence of the United States representative, a resolution on illicit trafficking by the crews of merchant ships and civil aircraft (436 (XIV)). He wondered, therefore, how to interpret the fact that, according to chapter VIII of document E/CN.7/252, over half of the ships reportedly implicated in seizures during 1952 were of United States registry. Even more disquieting was the fact that certain ships of United States registry had been mentioned over and over again in the reports. He thought the intention in adopting the resolution (436 (XIV)) had been to ensure that such persons lost their seamen's licences.

The CHAIRMAN pointed out that under the resolution governments were required to report only on crewmen convicted on or after 1 January 1953.

Mr. ANSLINGER (United States of America) said that the United States had enacted legislation providing penalties of \$50 per ounce for the master of any ship involved in the smuggling of narcotic drugs. He pointed out that seizures were often made in ports outside the United States. It would greatly help the fight against the illicit traffic if other countries would adopt penalties as heavy as those imposed in the United States. Before the Second World War certain captains had been fined as much as \$750,000 and the shipping companies had co-operated very effectively in eliminating smuggling. Legislation which provided penalties only for drugs found aboard without imposing a fine on the master of the ship was inadequate.

There was no doubt that smuggling by seamen constituted the largest source of drugs for the illicit traffic and in compliance with the Council resolution the United States would submit by 1 July 1953 a lengthy list of seamen convicted on charges of smuggling whose licences had been revoked. He hoped that other governments would act promptly under the resolution and submit similar lists to the Secretariat as soon as possible for immediate circulation to governments. That was essential to prevent persons convicted in one country from seeking berths on ships of other nationalities.

Mr. SHARMAN (Canada) pointed out that the nationality of a ship was not always indicative. For example, the ship of Canadian registry mentioned in chapter VIII was beyond the control of the Canadian Government. It was not manned by Canadians and had not approached Canadian waters for many years but operated in the vicinity of Macao far beyond the limits of Canadian jurisdiction. He assured the Commission that the Canadian Government would very much like to get control of the ship.

Mr. NIKOLIC (Yugoslavia) observed that under maritime law a ship was subject to the laws of its country of registry.

The CHAIRMAN said that the Secretary-General had communicated Economic and Social Council resolution 436 (XIV) to governments and was awaiting their replies.

Mr. ANSLINGER (United States of America) suggested that the memorandum on the illicit traffic prepared by the Secretary-General for the Commission's next session should contain a special chapter on smuggling by seamen.

It was so agreed.

The CHAIRMAN proposed that the foregoing discussion should be considered as disposing of item 7 (d) of the agenda.

It was so agreed.

Mr. KRUYSSSE (Netherlands) said, with reference to chapter IX that he had noted with interest that prices for illicit drugs had been quoted per unit of weight which made it possible to make certain comparisons. Of course, as prices were affected by rates of exchange, the figures would have to be interpreted with that in mind. The chapter showed a distinct improvement over the former method of presentation.

Mr. EZZAT (Egypt) drew attention to the great difference in the prices of opium and Indian hemp in Israel and in Egypt. In Israel, opium was quoted at approximately \$200 to \$250 per kilogramme and Indian hemp ranged between \$330 and \$400 whereas in Egypt the price of opium per kilogramme ranged from \$13,000 to \$15,000 while Indian hemp fetched from \$900 to \$12,000. That reflected the excellent work being accomplished by the Egyptian anti-narcotics administration and the Narcotics Bureau of the Arab League.

Mr. SHARMAN (Canada) referring to chapter X said that the Canadian report had mentioned the effectiveness of whippings in deterring certain criminals who had been inducing young people to take drugs and he asked that the paragraph on Canada should be amended to refer to the penalty.

Mr. HUANG (Secretariat) said the necessary corrigendum would be issued.

Mr. NIKOLIC (Yugoslavia) said it would seem from the report on Hong Kong either that narcotics offenders were subject only to fines or that there had been no offences in 1952 serious enough to be punished by imprisonment.

Mr. HUANG (Secretariat) said that chapter X did not refer to legislation in general but was merely a compilation of the penalties mentioned specifically in the seizure report.

Mr. ANSLINGER (United States of America) said he was not satisfied with the penalties imposed in the United States on narcotic drug traffickers although they were usually heavier than those imposed elsewhere. He suggested that the Commission might consider that question when it took up the problem of laws and regulations. He thought that the United States should introduce a minimum penalty of five years' imprisonment for the second offence and of ten years for the third offence. It was encouraged to note the United Kingdom report that a sentence of three years had been imposed for the unlawful possession of Indian hemp.

Mr. WALKER (United Kingdom) said that that was the highest sentence yet recorded in the United Kingdom for that offence. The court had taken into account the fact that the person concerned was of bad character and had been previously convicted for the same offence. It had also been aware of the social menace of Indian hemp.

Mr. EZZAT (Egypt) said that the penalties reported in the paragraph on Egypt had been imposed under the old, comparatively lenient legislation Decree Law No. 351 promulgated on 25 December 1952 imposed much higher penalties including a maximum sentence of life imprisonment and fines ranging from £E 3,000 to 10,000.

Mr. SHARMAN (Canada) thought the reports on Hong Kong should be reviewed as it was his impression that prison terms had also been imposed in 1952.

Mr. WALKER (United Kingdom) pointed out in connexion with Hong Kong that the summary of annual reports of governments for 1951 referred on page 49 to penalties including fines up to \$HK 10,000 (\$1,750) or imprisonment for terms up to two years, or both, and in many cases banishment had been imposed.

Mr. HUANG (Secretariat) said that prison terms had been mentioned in the annual report for 1951 in conjunction with penalties imposed in Hong Kong.

The CHAIRMAN suggested that the Commission should note the various documents it had considered on the illicit traffic with appreciation, subject to the comments made by the various members during the debate. The question of the illicit traffic in Italy and the Far East was still pending.

Mr. ZONOV (Union of Soviet Socialist Republics) pointed out that the Commission had not yet finished with chapters V of annual reports for the year 1952 (E/CN.7/L.21) or with the summary of annual reports of Governments for 1951 (E/NR.1951/Summary). He had said at the very outset of the debate that he had a few comments to make on the summary and he wondered when he would be given an opportunity to speak.

Mr. WALKER (United Kingdom) suggested that the Commission should postpone taking note of the summary of annual reports of Governments for 1951 until it had finished its consideration of the item on illicit traffic.

The CHAIRMAN pointed out that at the previous meeting he had specifically called for comments on the summary of annual reports of Governments but as no one had asked for the floor he had assumed that the debate was concluded. The Commission could, however, postpone its final action on the various documents until the debate on the illicit traffic had been concluded.

Mr. ZONOV (Union of Soviet Socialist Republics) suggested that the Commission should follow its customary procedure of putting the question to the vote after the debate had been concluded.

Mr. ANSLINGER (United States of America) suggested that the most convenient procedure in the circumstances might be to take up the item concerning illicit traffic in Italy at the present meeting, reserving the item on illicit

traffic in the Far East for the following one, at which there would be opportunity for the USSR representative to bring up the points he had in mind.

Mr. VAILLE (France) supported the United States proposal.

The United States proposal was adopted unanimously.

(c) SITUATION REGARDING ILLICIT TRAFFIC IN ITALY

Mr. VAILLE (France) said that the French newspaper France-Soir of 18 March 1953 had contained reports concerning attempts to cover up illicit traffic in heroin in Italy, the drug being put on the market, at a low price, as codeine. He doubted the veracity of the reports, which he had compared with those submitted by the Italian Government to the Secretariat, but hoped that the Observer for Italy would have an opportunity of clarifying the situation.

Mr. CANAPERIA (Observer for Italy) was glad of the opportunity accorded him to make a statement to the Commission on behalf of the Italian Government. His presence indicated his Government's respect for the Commission and its desire to co-operate in the suppression of illicit traffic.

His Government's main work in that connexion was recorded in the various reports which the Commission had recently examined. He thanked the United States representative for his words of appreciation regarding that work. During the last twelve months twenty-nine police operations concerned with illicit traffic had been carried out, leading to the seizure of 22 kilogrammes of heroin, 1 kg. 650 gr. of opium, 627 grammes of cocaine and some smaller quantities of other drugs. All those responsible were prosecuted in the courts. He felt that those activities were proof of his Government's increased efforts and a successful contribution to the campaign against the international drug traffic.

Concerning the Schiapparelli case, he stated that the Schiapparelli firm, an old-established Turin firm of pharmaceutical and chemical products, had been granted the authorization to extract and transform alkaloids from opium in 1942. Like all such firms it was under strict periodical inspection and nothing

irregular had been found during the inspections carried out in 1952 and in previous years. Investigations carried out towards the end of 1952 following the discovery of a case of illicit traffic by a wholesaler had disclosed a connexion between the proprietor of the firm concerned and Professor Migliardi, technical director and general manager of the Schiapparelli company. A further inspection of the Schiapparelli company at the beginning of 1953 had revealed that a quantity of heroin, estimated by the Financial Police at 350-400 kgs., had been manufactured and illegally disposed of by Professor Migliardi since 1948, who, taking advantage of his position, had been able to divert from normal production a quantity of morphine to be transformed illicitly into heroin. Although the initial inquiries had indicated that Professor Migliardi was solely responsible, the operations of the firm had been suspended by the competent authorities; further inquiries had confirmed the exclusive responsibility of Professor Migliardi, who had been prosecuted for the clandestine production of and illegal trafficking in narcotics, and the suspension had therefore been of limited duration. The exact quantity of heroin illegally manufactured was being determined by a commission of technical experts at the request of the judicial authorities. Since the Financial Police's estimate, which had been based on indirect calculations, might have been exaggerated, it was probable that the episode, which had been exploited internationally by rival national firms, would be reduced to more modest proportions. In any event, the Italian Government would take any further action required.

Concerning the Commission's recommendation that the Italian Government should completely prohibit the manufacture of heroin in Italy, he recalled that production had been suspended since July 1951. Stocks at that time had been 78 kilogrammes, representing approximately a one and a half year's supply for normal consumption, but of that total, 28 kilogrammes still remained at the present date. Seventeen kilogrammes of that were held by the military medical authorities and the remaining 11 kilogrammes were divided in small quantities among narcotics manufacturers, pharmaceutical firms (for use in the production of medicines) and registered wholesalers. The heroin held by narcotics manufacturers was used exclusively by the National Public Health Department for the direct replenishment of the stocks of hospitals and sanatoria on the basis of periodical

and appropriately certified requests. The question of complete prohibition was still under consideration by the Italian Government. As objections had been raised by the medical authorities on the grounds that it was not possible to replace heroin for therapeutical purposes by synthetic products, the question had been placed before the National Council of Health which had then requested further information on the subject. He was confident that at the next WHO Assembly, in May, the Italian Government would be able to give a favourable answer on the subject, but at present it was awaiting the advice of the National Council of Health, which would hold its session on 21 April.

Mr. ANSLINGER (United States of America) thanked the Observer for Italy for his information. In view of the large diversion of heroin into the illicit traffic he would like to know what the position of the Schiapparelli firm would be in the future. He understood that another firm had been involved in a drug contravention two years ago but that the court had not yet reached a decision in the case. He was particularly interested in those matters because much of the heroin which entered the illicit market in Italy was later smuggled into the United States. He hoped the Italian Government would give favourable consideration to the complete prohibition of the manufacture of heroin.

Mr. CANAPERIA (Observer for Italy) explained that after the second police investigation in the Schiapparelli case, as a result of which Professor Migliardi was found to be the only member of the firm involved, it was not possible, under the law, to maintain the suspension of the firm's activities. He was fully aware of that deficiency in the Italian legislation and said that new legislation was being prepared which would provide for such cases. Concerning the second query, the facts were that court proceedings had been taken against Mr. Calascibetta, a director of the S.A.C.E. firm of wholesalers, for illicit traffic in narcotics and the licence of the firm had been revoked.

SUMMARY OF ILLICIT TRANSACTIONS AND SEIZURES (E/NS.1952/Summary 6)

Mr. KRISHNAMOORTHY (India), answering a question raised by the Canadian representative at a previous meeting concerning the seizure of a quantity of opium at Simla (Case 632 in Summary 6), said that the latest information from his Government was that the case was still under trial. If he received further information before leaving New York he would report it to the Commission.

REQUEST FOR INFORMATION FROM THE GOVERNMENT OF ECUADOR

Mr. ANSLINGER (United States of America) referred to a case of substantial diversions of narcotic drugs imported into Ecuador on certificates issued by the United States, the United Kingdom and Switzerland and asked the Secretariat to request the Ecuadorean Government for a seizure report concerning them.

Mr. WALKER (United Kingdom) supported the United States representative's request.

The CHAIRMAN said that the Secretariat would take note of the request.

The meeting rose at 5.35 p.m.