



United Nations Conference
for the Adoption
of a Single Convention
on Narcotic Drugs

New York — 24 January - 25 March 1961

Official Records

Volume I :

Summary Records
of plenary meetings

UNITED NATIONS — NEW YORK, 1964

INTRODUCTORY NOTE

This volume contains, in addition to the list of delegations and other necessary preliminary documents, the corrected and edited summary records of the plenary meetings of the Conference which were distributed in provisional form as documents E/CONF.34/SR.1-43. The corrected and edited summary records of the Committees of the Conference, together with a selection of the technical documents and the text of the Convention, the third draft of the Convention and the Final Act, are included in Volume II.

United Nations documents are indicated by symbols composed of letters and figures. A list of such documents referred to in these records will be found at the end of Volume II.

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RESOLUTION 689 J (XXVD) OF THE ECONOMIC AND SOCIAL COUNCIL CONVENING THE CONFERENCE

The Economic and Social Council,

Recalling its resolutions 159 II D (VII) of 3 August 1948 and 246 D (IX) of 6 July 1949 requesting the preparation of a draft of a single convention in order to replace by a single instrument the existing multilateral treaties relating to the control of narcotic drugs, to reduce the number of international treaty organs exclusively concerned with such control and to make provision for the control of the production of raw materials of narcotic drugs,

Noting that the Commission on Narcotic Drugs has completed such a draft,

1. *Requests* the Secretary-General to transmit the draft of the Single Convention adopted by the Commission on Narcotic Drugs at its twelfth and thirteenth sessions to all States Members of the United Nations and States Members of the specialized agencies and of the International Atomic Energy Agency, to the World Health Organization, other specialized agencies, the International Atomic Energy Agency, the Permanent Central Opium Board and Drug Supervisory Body, and to the International Criminal Police Organization;

2. *Invites* the States and organizations referred to in paragraph 1 above to transmit to the Secretary-General their comments on the draft not later than 1 October 1959;

3. *Requests* the Secretary-General to prepare, and to communicate to these States and organizations by 31 December 1959, a compilation of the comments received by the Secretariat by 1 November 1959;

4. *Decides* to convene, in accordance with Article 62, paragraph 4, of the Charter of the United Nations, and with the provisions of General Assembly resolution 366 (VI) of 3 December 1949, a plenipotentiary conference for the adoption of a single convention on narcotic drugs to replace the existing multilateral treaties in the field;

5. *Requests* the Secretary-General:

(a) To call such a conference within a reasonable period, in the light of the time-limits mentioned in paragraphs 2 and 3 above;

(b) To invite to the conference:

- (i) The States mentioned in paragraph 1 above;
- (ii) The World Health Organization and other specialized agencies interested in the matter, with the same rights as they enjoy at sessions of the Economic and Social Council;
- (iii) The Permanent Central Opium Board and Drug Supervisory Body, with the same rights as these two organs enjoy at sessions of the Commission on Narcotic Drugs;
- (iv) The International Criminal Police Organization, with the same rights as this organization enjoys at sessions of the Commission on Narcotic Drugs;

(c) To prepare provisional rules of procedure for the conference.

LIST OF REPRESENTATIVES

DELEGATIONS

AFGHANISTAN

Representative:

Mr. A. H. Tabibi, Counsellor, Permanent Mission.

ALBANIA

Representative:

H.E. Mr. R. Malile, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate representative:

Mr. K. Andoni, Counsellor, Permanent Mission.

ARGENTINA

Representative:

Dr. C. Ortiz de Rozas, Counsellor of Embassy, Permanent Mission.

AUSTRALIA

Representative:

Mr. H. S. Warren, Collector of Customs, Victoria.

Alternate Representatives:

Dr. A. Johnson, Senior Medical Officer, Commonwealth Department of Health;

Mr. R. J. Prowse, Department of Customs and Excise;

Mr. C. E. Mackenzie, Department of Customs and Excise, Canberra;

Mr. P. C. J. Curtis.

BOLIVIA

Representative:

Mr. L. Mendizabal.

BRAZIL

Representative:

Mr. A. G. R. Bittencourt, Minister Plenipotentiary, Delegation to the Organization of American States.

Alternate Representative:

Mr. A. J. Regattieri Ferrari, Second Secretary of Embassy, Ministry of External Relations.

Parliamentary Adviser:

Mr. M. Leuzzi, Member of the House of Representatives.

BULGARIA

Representative:

H.E. Mr. Y. Tchobanov, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. M. Grinberg, First Secretary, Permanent Mission;
Mr. D. D. Stamboliev, First Secretary, Permanent Mission;

Mr. M. Molerov, First Secretary, Permanent Mission.

BURMA

Representative:

U Tin Maung, Deputy Permanent Representative to the United Nations.

Alternative Representatives:

U Ba Sein, Deputy Secretary, Ministry of Finance and Revenue;

U Kyin, Commissioner of Excise;

U Tun Pe, Officer on Special Duty, Shan States Government.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Representative:

Prof. C. S. Shadursky, Chairman, Pharmacology Department, Minsk Medical Institute.

Alternate Representative:

Mr. A. E. Gurinovich, First Secretary, Permanent Mission.

CAMBODIA

Representative:

H.E. M. Nong Kimny, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. C. Measketh, Minister Plenipotentiary, Deputy Permanent Representative to the United Nations.

CANADA

Representative:

Mr. E. R. Curran, Q.C., Legal Adviser, Department of National Health and Welfare.

Alternate Representative:

Mr. K. C. Hossick, Representative on the Commission on Narcotic Drugs.

Technical Adviser:

Mr. R. C. Hammond, Chief, Division of Narcotics Control, Department of National Health and Welfare.

Adviser:

Mr. G. Mathieu, Second Secretary, Permanent Mission.

Observer:

Mr. Justice G. E. Tritschler, Court of Appeal, Manitoba

CHAD

Representative:

H.E. Mr. J. P. Toura Gaba, Minister of Foreign Affairs.

CHILE

Representative:

H.E. Mr. D. Schweitzer, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. V. Rioseco, Counsellor, Permanent Mission.

CHINA

Representative:

Mr. Wei Hsioh-Ren, Minister Plenipotentiary, Permanent Mission.

Alternate Representatives:

Mr. Liang Chi-Kwei;
Mr. Cha Hsiu, Technical Counsellor, Permanent Mission.

Advisers:

Mr. Wang Meng-hsien, First Secretary, Permanent Mission;
Mr. Huang Shung Chai, First Secretary, Permanent Mission.

Secretary:

Mr. Wu Yung fa.

CONGO (LEOPOLDVILLE)

Representative:

Mr. J. Maboti, Member of Parliament;

Alternate Representative:

Mr. Van Nieuwenborg, Chief Pharmacist and Technical Adviser, Ministry of Public Health.

COSTA RICA

Representative:

H.E. Mr. G. Ortiz Martin, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. O. Chavarra Poll, Consul General, New York.

CZECHOSLOVAKIA

Representative:

Mr. Z. Cernik, Envoy Extraordinary and Minister Plenipotentiary, Deputy Permanent Representative to the United Nations.

Alternate Representative:

Miss M. Veliskova, Official of the Ministry of Foreign Affairs.

Adviser:

Mr. Z. Nejedly, Second Secretary of Embassy, Permanent Mission.

DAHOMY

Representative:

H.E. Mr. L. Ignacio-Pinto, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. Zoller

DENMARK

Representative:

H.E. Mr. A. Hesselund-Jensen, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. J. H. Koch, Legal Adviser to the Pharmaceutical Division of the National Health Service, Ministry of the Interior.

DOMINICAN REPUBLIC

Representative:

H.E. Mrs. M. Bernardino, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

EL SALVADOR

Representative:

H.E. Mr. M. R. Urquia, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. F. A. Carrillo, Minister Plenipotentiary, Permanent Mission;
Mr. F. Vega-Gomez, Minister Plenipotentiary, Alternate Representative to the United Nations.

FINLAND

Representative:

Mr. H. Blomstedt, First Secretary of Embassy, Permanent Mission.

FRANCE

Representative:

Mr. P. Millet, Minister Plenipotentiary, Deputy Permanent Representative to the United Nations.

Alternate Representatives:

Dr. Mabileau, Divisional Inspector of Health;
Mr. R. Establie, Secretary for Foreign Affairs, Permanent Mission to the European Office of the United Nations.

GERMANY, FEDERAL REPUBLIC OF

Representative:

Mr. H. Danner, Minister Counsellor, Federal Ministry of the Interior.

Alternate Representative:

Mr. G. Brunner, Second Secretary, Office of the Permanent Observer.

GHANA

Representative:

Mr. J. A. Kuntoli, Second Secretary, Permanent Mission.

Adviser:

Mr. S. B. Adjepong, Chief Pharmacist, Ministry of Health.

GREECE

Representative:

H.E. Mr. P. Economou-Gouras, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. B. Vitsakis, Counsellor of Embassy, Permanent Mission;
Mr. J. Gregoriades, First Secretary of Embassy, Permanent Mission.

GUATEMALA

Representative:

Mrs. A. de Arenas.

HAITI

Representative:

Mr. E. Jean-Louis, Minister Counsellor, Permanent Mission.

HOLY SEE

Representative:

Monsignor J. H. Griffiths.

Alternate Representatives:

Monsignor T. J. Flynn;
Father Gallagher.

Advisers:

Father Re;
Mr. J. J. Murtagh;
Mr. W. D. Walsh.

HUNGARY

Representative:

H.E. Mr. P. Mod, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. I. Vertes, Director of the Pharmaceutical Centre in Budapest.
Mr. J. Benyi, Second Secretary, Ministry for Foreign Affairs.

Advisers:

Mr. T. Lorinc, Counsellor, Deputy Permanent Representative to the United Nations;
Mr. J. Horvath, Second Secretary, Permanent Mission;
Mr. J. Tardos, Third Secretary, Permanent Mission;
Mr. T. Aranyi, Third Secretary, Permanent Mission.

INDIA

Representative:

Mr. B. N. Banerji, Member, Central Board of Revenue.

Alternate Representatives:

Mr. T. Raj, Narcotics Commissioner;
Mr. V. A. Kidwai, First Secretary, Permanent Mission;
Mr. R. S. Gae, Joint Secretary and Legal Adviser to the Government of India, Ministry of Law.

INDONESIA

Representative:

H.E. Mr. S. Wirjopranoto, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. S. Prawirosoejanto, Chief of the Pharmaceutical Division, Department of Health.

Advisers:

Police Commissioner I. Soedradjat, Assistant Head of the Indonesian National Central Bureau of Interpol;
Mr. Sutanto, Second Secretary of Embassy, Permanent Mission.

IRAN

Representative:

Mr. H. A. Azarakhsh, Director General of the Narcotics Control Department, Ministry of Public Health.

Alternate Representatives:

Mr. F. Zand Fard, First Secretary, Permanent Mission;
Mr. A. A. Farahmand, Third Secretary, Permanent Mission.

IRAQ

Representative:

H.E. Mr. A. M. Pachachi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. I. T. Kittani, First Secretary, Permanent Mission;
Miss F. Kamal, Second Secretary, Permanent Mission.

ISRAEL

Representative:

H.E. Mr. M. S. Comay, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Miss H. Hareli, Counsellor, Permanent Mission;
Mr. Y. Zidon, Vice-Consul, New York;
Mr. M. Elizur, Counsellor, Permanent Mission;
Colonel M. Shaham, Counsellor, Permanent Mission;
Mr. E. Marom, Second Secretary, Permanent Mission.

ITALY

Representative:

Mr. M. Franzì, Counsellor, Permanent Mission.

Alternate Representative:

Mr. G. Scolamiero.

JAPAN

Representative:

H.E. Mr. K. Matsudaira, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. K. Chikaraishi, Counsellor, Permanent Mission;
Mr. H. Asahina, Chief, Division of Narcotics, Ministry of Health and Welfare;
Mr. T. Nakajima, Second Secretary, Permanent Mission;
Mr. S. Kadota, Third Secretary, Permanent Mission.

JORDAN

Representative:

Mr. Y. J. Joury, First Secretary, Permanent Mission.

KOREA (REPUBLIC OF)

Representative:

Mr. Duk Choo Moon, Consul General, New York.

Alternate Representatives:

Mr. Suk Tae Limb, Consul, New York;
Mr. Hyun Yuen Lee, Narcotics Control Section, Ministry of Health and Social Welfare.

LEBANON

Representative:

H.E. Mr. G. Hakim, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

LIBERIA

Representative:

Mr. A. Johnson.

Alternate Representative:

Mr. Jacob N. Cisco.

MADAGASCAR

Representative:

Mr. R. Andriamaharo.

MEXICO

Representative:

H.E. Mr. Oscar Rabasa, Ambassador.

Alternate Representatives:

Mr. J. Castañeda, Alternate Representative to the United Nations;
Mr. J. Barona Lobato.

General Secretariat:

Mr. J. Calvillo, First Secretary, Permanent Mission.

Adviser:

Mr. R. Illescas Frisbie.

MONACO

Representative:

Mr. M. Palmaro, Consul General, New York.

Alternate Representative:

Mr. J. Dube.

MOROCCO

Representative:

H.E. Mr. El Mehdi Ben Aboud, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. M. Warzazi, Secretary to the Permanent Mission.

NETHERLANDS

Representative:

H.E. Mr. C. W. A. Schurmann, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. A. Kruijsse, Deputy Director-in-Chief of Public Health, Ministry of Social Affairs and Public Health;

Miss J. D. Pelt, First Secretary of Embassy, Permanent Mission;

Mr. R. H. Fein, Second Secretary of Embassy, Permanent Mission;

Mr. F. G. Boulonois, Ministry of Foreign Affairs.

NEW ZEALAND

Representative:

Dr. D. P. Kennedy, Director of the Division of Public Health, Department of Health.

Alternate Representative:

Mr. R. W. Sharp, Permanent Mission.

NICARAGUA

Representative:

H.E. Mr. L. M. Debayle, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Adviser:

Mr. J. Roman, Counsellor, Permanent Mission.

NIGERIA

Representative:

H.E. A. M. Ngileruma, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Advisers:

Mr. C. O. Ifeagwu, First Secretary, Permanent Mission;
Mr. P. C. Asiodu, First Secretary, Permanent Mission.

NORWAY

Representative:

H.E. Mr. S. A. Nielsen, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. J. Arvesen, Attaché, Permanent Mission.

PAKISTAN

Representative:

Mr. M. Aslam, Member of the Central Board of Revenue.

Alternate Representative:

Mr. A. K. A. Karim, Officer of the Central Board of Revenue and Secretary of the Narcotics Board.

PANAMA

Representative:

H.E. Dr. C. A. Quintero, Ambassador Extraordinary and Plenipotentiary, Deputy Representative to the United Nations.

Alternate Representative:

Mr. O. A. Sosa, Director of the Pharmaceutical and Narcotic Drugs Division, Ministry of Labour and Social Welfare and Public Health.

PARAGUAY

Representative:

Mr. M. Solano Lopez, Minister Counsellor, Alternate Representative to the United Nations Permanent Mission.

PERU

Representative:

Mr. M. F. Maurtua, Minister Counsellor, Permanent Mission.

Counsellor:

Mr. J. Estrella.

PHILIPPINES

Representative:

H.E. Mr. F. A. Delgado, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mrs. S. D. Campomanes, Chief, Narcotic Drugs Division of Bureau of Internal Revenue;

Mrs. C. M. Fernandez, Assistant Chief, Narcotic Drugs Division, Bureau of Internal Revenue;

Mr. E. D. Espinosa, Chief Drug Inspector, Bureau of Health.

POLAND

Representative:

H.E. Mr. B. Lewandowski, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. J. Machowski, Counsellor, Permanent Mission;
Mr. S. Bukowski, Director of the Department of Pharmacy, Ministry of Health.

Advisers:

Mr. A. Czarkowski, First Secretary, Permanent Mission;
Mr. W. Wiczorek, Counsellor, Ministry of Foreign Affairs.

PORTUGAL

Representative:

Mr. L. S. de Oliveira, Second Secretary of Embassy, Permanent Mission.

ROMANIA

Representative:

Mr. F. Stoiana, Third Secretary, Permanent Mission.

SENEGAL

Representative:

H.E. Mr. O. S. Diop, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. L. Niang.

SPAIN

Representative:

Mr. J. de Piniés, Alternate Representative to the United Nations.

Alternate Representatives:

Mr. N. Diaz Lopez, Inspector General of the Pharmaceutical Division, Public Health Department;
Mr. G. Mañueco, Secretary of Embassy, Permanent Mission.

SWEDEN

Representative:

H.E. Mrs. A. Rossel, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Advisers:

Dr. D. L. Goldberg, M. D., Royal Caroline Institute, Stockholm;
Mr. G. V. E. Krook, Head of the Narcotics Section, Swedish National Board of Health.

SWITZERLAND

Representative:

Mr. J. P. Bertschinger, Chief of Section, Federal Public Health Department.

Alternate Representative:

Mr. M. von Schenck, Secretary of Legation, Office of the Permanent Observer to the United Nations.

THAILAND

Representative:

Mr. C. Posayanonda, Deputy Director-General, Ministry of Finance.

Alternate Representatives:

Mr. S. Viseshsiri, Chief, International Health Division, Ministry of Public Health;
Mr. P. Punnapayak, Chief, Food and Drug Control Division, Ministry of Public Health.

TUNISIA

Representative:

Mr. Chadli Ayari.

TURKEY

Representative:

H.E. Mr. T. Menemencioglu, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representatives:

Mr. M. Ozkol, Director General of the Internal Trade Department, Ministry of Trade;
Prof. I. Lütem, Legal Adviser, Permanent Mission;
Mr. A. Cankaya, Head of the Narcotics Bureau, Ministry of the Interior;
Mr. S. Acba, Director of the Opium Section, Istanbul;
Prof. S. Kaymakalan, Director of the Institute of Pharmacology, University of the Aegean, Smyrna.

Adviser:

Mr. M. Kustaloglu, Second Secretary, Permanent Mission.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Representative:

Mr. O. O. Bogomolets.

Alternate Representative:

Mr. G. H. Buvailik.

Adviser:

Mr. I. G. Neklessa.

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

H.E. Mr. K. K. Rodionov, Ambassador Extraordinary and Plenipotentiary.

Alternate Representatives:

Mrs. V. V. Vasileva.
Mr. A. M. Belonogov.
Mr. G. F. Kalinkin.
Miss E. V. Yakovleva.

UNITED ARAB REPUBLIC

Representative:

Major-General A. A. Fahmi, Under Secretary, Ministry of the Interior.

Alternate Representatives:

Mr. A. Ismail, Director General of the Pharmaceutical Department, Ministry of Public Health;
Mr. A. Noureldine, Attorney General's Office;
Mr. A. A. Khamis, First Secretary, Permanent Mission.

UNITED KINGDOM

Representative:

Mr. T. C. Green, Assistant Secretary, Home Office.

Alternate Representative:

Mr. G. B. T. Barr, Assistant Legal Adviser, Home Office.

Advisers:

Mr. E. G. Kellett, Principal Scientific Officer, Department of Scientific and Industrial Research;
Mr. J. L. Simpson, Counsellor, Legal Adviser, Permanent Mission;
Mr. M. W. Erroch, First Secretary, Permanent Mission.

UNITED STATES OF AMERICA

Representative:

Mr. H. J. Anslinger, Commissioner of Narcotics, Department of the Treasury.

Alternate Representative:

Mr. H. L. Giordano, Bureau of Narcotics, Department of the Treasury.

Advisers:

Mr. C. I. Bevans, Assistant Legal Adviser for Treaty Affairs, Department of State;
Mr. C. de Baggio, Chief Counsel, Bureau of Narcotics, Department of the Treasury;
Dr. N. B. Eddy, M.D., Special Consultant to the National Institute of Arthritis and Metabolic Diseases, Department of Health, Education and Welfare;

The Hon. H. Ellenbogen, Judge, Court of Common Pleas of Alleghany County, Pittsburgh, Pennsylvania;

Mr. S. M. Finger, Senior Adviser, Permanent Mission;
Dr. H. Isbell, M.D., Director, Addiction Research Center, Department of Health, Education and Welfare;

Mr. C. G. Parker III, Adviser, Economic and Social Affairs, Permanent Mission;

Mr. R. W. Rinden, Office of International Economic and Social Affairs, Department of State.

URUGUAY

Representative:

H.E. Mr. E. Rodriguez Fabregat, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations.

Alternate Representative:

Mr. C. Montero-Bustamante, Envoy Extraordinary and Plenipotentiary, Permanent Mission.

VENEZUELA

Representative:

Mr. R. D. Berti, Head of the Pharmaceutical Division, Ministry of Health and Social Welfare.

Alternate Representative:

Mr. S. Holz, Head of the Pharmacology Division, National Institute of Hygiene.

Adviser:

Dr. T. Alvarado, Minister Counsellor, Permanent Mission.

YUGOSLAVIA

Representative:

Mr. D. Nikolic, Adviser to the Committee on Foreign Trade.

Alternate Representatives:

Mr. B. Karapandza, Counsellor, Permanent Mission;
Mr. M. Tapavicki, First Secretary, Ministry of Foreign Affairs.

PERMANENT CENTRAL OPIUM BOARD

Representatives:

Sir Harry Greenfield;
Mr. H. May;
Mr. E. S. Krishnamoorthy;
Mr. L. Atzenwiler, Secretary of the Board.

DRUG SUPERVISORY BODY

Representatives:

Prof. J. Joachimoglu;
Mr. L. Atzenwiler, Secretary of the Body.

MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS

CEYLON

Observers:

Mr. A. Edward, Counsellor, Permanent Mission;
Mr. H. O. Wijegoonawardena, Counsellor, Permanent Mission.

SPECIALIZED AGENCIES

WORLD HEALTH ORGANIZATION

Representative:

Dr. H. Halbach, M.D., Chief, Addiction Producing Drug Section.

INTERNATIONAL LABOUR ORGANIZATION

Representative:

Mr. H. Reymond, Director of the Liaison Office with the United Nations.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Representative:

Dr. F. de Tavel, M.D., Medical Adviser.

Alternate Representative:

Mr. F. X. Byrne.

NON-GOVERNMENTAL ORGANIZATIONS

Category B

INTERNATIONAL CRIMINAL POLICE ORGANIZATION INTERPOL

Representative:

Mr. J. Nepote, Deputy Secretary General.

INTERNATIONAL CONFERENCE OF CATHOLIC CHARITIES

Representative:

Dr. L. Longarzo.

INTERNATIONAL FEDERATION OF WOMEN LAWYERS

Representative:

Miss R. Rothenberg.

WORLD ALLIANCE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS

Representative:

Mr. D. F. McClelland.

EXPERT INVITED BY THE CONFERENCE UNDER RULE 35 OF THE RULES OF PROCEDURE

Major General A. A. Safwat,
Director-General of the Permanent
Anti-Narcotics Bureau of the
League of Arab States.

SECRETARIAT

Mr. G. E. Yates, Executive Secretary;
Mr. A. Lande, Deputy Executive Secretary;
Mr. A. Messing-Mierzejewski, Secretary;
Mr. G. Wattles, Legal Adviser;
Mr. O. Braenden;
Mr. H. Idoyaga;
Mr. P. Lowes;
Mr. S. Sotiroff.

REPORT OF THE CREDENTIALS COMMITTEE ¹

1. At its first plenary meeting held on 24 January 1961, the Conference, in accordance with rule 4 of its rules of procedure, appointed a Credentials Committee consisting of the following States : Costa Rica, El Salvador, Morocco, New Zealand, Nigeria, Philippines, Spain, Union of Soviet Socialist Republics, and United States of America.

2. The Credentials Committee met on 6 March 1961. The following representatives were present: Costa Rica, El Salvador, New Zealand, Philippines, Spain, Union of Soviet Socialist Republics, and United States of America. On the proposal of the representative of the Philippines, Dr. Gonzalo Ortiz of Costa Rica was unanimously elected Chairman.

3. The Secretariat reported to the Committee that, of the States which had sent representatives to the Conference, sixty-four had furnished in respect of their representatives credentials duly issued by the Head of State or Government or by the Minister for Foreign Affairs in accordance with rule 3 of the rules of procedure. Those States were as follows :

Afghanistan	Iraq
Albania	Israel
Argentina	Japan
Australia	Korea, Republic of
Bolivia	Lebanon
Brazil	Liberia
Bulgaria	Mexico
Burma	Monaco
Byelorussian SSR	Morocco
Canada	Netherlands
Chad	New Zealand
Chile	Nicaragua
China	Nigeria
Congo (Leopoldville)	Norway
Costa Rica	Pakistan
Czechoslovakia	Panama
Dahomey	Philippines
Denmark	Poland
Dominican Republic	Portugal
El Salvador	Spain
Finland	Sweden
France	Switzerland
Germany, Federal Republic of	Thailand
Ghana	Tunisia
Greece	Turkey
Guatemala	Ukrainian SSR
Haiti	USSR
Holy See	United Arab Republic
Hungary	United Kingdom
India	United States
Indonesia	Venezuela
Iran	Yugoslavia

4. The Secretariat further reported that nine States had furnished in respect of their representatives provisional credentials which did not fully meet the requirements of rule 3 of the rules of procedure. Those States were as follows :

Cambodia	Peru
Italy	Romania
Jordan	Senegal
Madagascar	Uruguay
Paraguay	

5. The representative of the United States introduced a motion that the Committee take no decision regarding the credentials submitted on behalf of the representatives of Hungary. In his view, continued non-compliance by the Hungarian Government with United Nations resolutions made it desirable for the Committee, by adopting his motion, to follow the example set in the General Assembly for several years past.

6. The representative of the USSR opposed the United States motion. The Hungarian People's Republic, he said, was a Member of the United Nations and participated in the work of the present Conference under resolution 689 adopted by the Economic and Social Council at its twenty-sixth session. An invitation to take part in the Conference had been addressed to the Government of the Hungarian People's Republic at Budapest by the United Nations Secretariat. The Hungarian delegation's credentials had been properly drawn up in accordance with the requirements of the Constitution of the Hungarian People's Republic and the rules of procedure of the present Conference. The delegation of the Hungarian People's Republic was taking an active and fruitful part in the work of the Conference. Furthermore, the representative of the Hungarian People's Republic had been elected Vice-President of the Conference.

7. The United States motion was adopted by 6 votes to 1.

8. The representative of the USSR stated that he considered the participation of the so-called Chinese representative in the work of the Conference to be unlawful, since only a delegation accredited by the Government of the People's Republic of China could be the lawful representative of China. He proposed that the credentials of the so-called Chinese representative be not recognized as valid.

9. The representative of the United States opposed the USSR proposal, which he considered out of order since the Economic and Social Council in calling the Conference¹ had directed that the Members of the

¹ Circulated as document E/CONF. 34/18.

¹ Economic and Social Council resolution 639 J (XXVI) of 28 July 1958.

United Nations should be invited; the Republic of China was a Member of the United Nations, and its Government was the only one qualified to represent China in the Conference. The representative of the United States then asked the Chairman for a ruling on whether or not the USSR proposal was out of order.

10. After a discussion, in which the Chairman, referring to resolutions of the General Assembly on the representation of China¹, stated his opinion that the USSR proposal was out of order and appealed to the USSR representative to reconsider it, the Chairman ruled the proposal out of order. The ruling was challenged by the representative of the USSR. The representative of the USSR stated that, notwithstanding the Chairman's opinion, the General Assembly resolutions on which the Chairman based his refusal to put the USSR proposal to the vote had nothing whatever to do with the Conference, inasmuch as the Conference was not an integral part of the General Assembly. The Chairman's ruling was sustained by 6 votes to 1.

11. The representative of the USSR, without making any proposal, stated that he also felt bound to record

his attitude to the credentials presented by the delegation of the Republic of the Congo. The Soviet Government recognized as the sole lawful Government of the Republic of the Congo the Government headed by Antoine Gizenga, deputy of the late Patrice Lumumba. The Soviet delegation was consequently unable to accept as valid, credentials which did not emanate from that Government.

12. The representative of the United States recalled that the General Assembly had decided¹ to accept credentials issued by Mr. Kasavubu as Head of the State.

13. The Committee approved the report unanimously.

14. The representative of the USSR stated that his vote in favour of the report should not be interpreted as a modification of his previous positions against the validity of the credentials of the so-called Chinese representative as well as the credentials issued on behalf of the Republic of the Congo and in favour of the validity of the credentials of the representatives of the Government of the Hungarian People's Republic.

¹ General Assembly resolutions 1307 (XIII) of 10 December 1958, 1351 (XIV) of 22 September 1959 and 1493 (XV) of 8 October 1960.

¹ General Assembly resolution 1498 (XV) of 22 November 1960.

ORGANIZATION OF THE WORK OF THE CONFERENCE¹

Note by the Secretary-General

Terms of Reference

1. The Conference has been called by the Economic and Social Council to adopt "a single convention on narcotic drugs to replace the existing multilateral treaties in the field" (operative paragraph 4 of resolution 689 J (XXVI)). The draft text of the Single Convention before the Conference (E/CN.7/AC.3/9 and Add. 1) has been prepared by the Commission on Narcotic Drugs in accordance with the instructions of the Economic and Social Council in resolutions 159 II D (VII) and 246 (IX).

Organization of the Conference

2. The draft rules of procedure (E/CONF.34/2) are based generally on those adopted by recent plenipotentiary conferences held by the United Nations for the adoption of treaties, including the 1960 Conference on the Law of the Sea and the 1958 Conference on International Commercial Arbitration. Certain organizational matters, dealing with the composition and credentials of delegations, the election of officers, the appointment of a General and a Credentials Committee, the power to appoint other Committees, rules for the conduct of business, records, and the functions of the Secretariat, are regulated by the rules of procedure. The present paper is concerned with the organizational structure to be set up and the method of working of the Conference to be followed within these rules.

General Committee

3. As set out in Rule 16, the function of the General Committee is to assist the general conduct of the business of the Conference and the co-ordination of its work. The General Committee is, however, not concerned with the substance of the Draft Convention.

4. It is the usual practice to elect a General Committee which provides a balanced representation of the main regions of the world. In the case of this Conference, regard should no doubt also be had (as in the composition of the United Nations Commission on Narcotic Drugs) to representation of the drug manufacturing and raw material (opium, poppy, straw, or coca leaf) producing countries, and of countries in which narcotics constitute a serious social problem. As the addition with voting rights of chairmen of such committees as the Conference may set up might imperil this balance, Rule 14 provides that, on the invitation of the President of the Conference, these chairmen may participate in

the meetings of the General Committee, but without vote.

Drafting Committee

5. As the Drafting Committee will not be concerned with decisions of substance, it is not necessary that all members of the Conference should be represented on it. It should include, particularly, legal advisers, and all the official languages of the Convention should be represented on it. Groups or sub-committees of the Committee could then be made responsible for checking, in co-operation with the Secretariat, the different language versions of the Convention.

Technical Committee

6. This would be a small Committee set up to consider the questions arising out of the Convention with a substantial scientific element, particularly the contents of the Schedules. As agreed with the Commission on Narcotic Drugs and the Economic and Social Council, the Secretary-General will make arrangements for this Committee to meet for up to two weeks beginning at the third week of the Conference. Since, like the Drafting Committee, it will not make decisions of substance, it is not necessary that all members of the Conference should be represented on it. It might consist of technical advisers possessing medical, pharmaceutical and chemical qualifications, whose attendance for a limited period would be arranged by Governments. The terms of reference of the Committee might be:

- (a) Examination of the contents of the Schedules in document E/CN.7/AC.3/9 Add. 1, in particular:
 - (i) addition, deletion or revision of entries;
 - (ii) transfer of entries from Schedule I to Schedule II or vice versa.
- (b) Examination of the definitions contained in paragraph references 3-11, 14, 23-25 and 32 of document E/CN.7/AC.3/9 from the scientific aspect.

There are, of course, other aspects, generally outside the competence of such a Committee, which have to be taken into account in formulating the definitions; for example, which terms should be defined, whether parts of the plant containing relatively little of the dangerous active principle should be covered or not by the Convention, and so on.

Other Committees

7. The major question remains of how to divide up the substantive work on the Convention. The main fac-

¹ Circulated as document E/CONF.34/3.

tors to be taken into consideration are as follows:

- (a) The comments of Governments (E/CONF.34/1) have shown that, while there is a considerable area of agreement, there are also some ten questions on which there are major differences to be resolved;
- (b) In the main the various parts of the Draft Convention interlock very closely;
- (c) On a number of points in the Draft Convention, there are a relatively limited number of countries which have particular knowledge of and interest in the subject-matter;
- (d) After consultation with the Commission and the Council, the Secretary-General has made material arrangements, and delegations in turn have no doubt made their own internal arrangements, on the basis that not more than one formal meeting will be held at a time.

8. These factors taken together suggest the adoption of a subsidiary conference structure of smaller *ad hoc* committees or working groups rather than of a committee, or committees, of the whole; this flexible type of organization was successfully followed in the case of the 1958 Conference on International Commercial Arbitration. In the circumstances of the present Conference, it also seems that this type of organization would enable the work to be handled more expeditiously than a heavier committee structure.

9. Such *ad hoc* committees or working groups, which might be appointed for each principal article or group of articles on which a decision in the plenary is not feasible without more detailed consideration, would be appointed under Rule 18 and chosen so as to represent the principal tendencies or views.

10. The function of such *ad hoc* committees would be to submit an agreed proposal to the plenary Conference. If that proved impossible, they would be expected to submit two, or at any rate a limited number of, proposals in such form that the plenary Conference could vote on them with the minimum of amendment.

Stages of Procedure

11. The preliminary work consists of:

- (a) Election of President and adoption of the agenda;
- (b) Adoption of rules of procedure, since the rules of procedure govern the officers and committees to be elected, the adoption of at any rate some parts of them is necessary at this stage. If preferred, the rest of the rules can be adopted provisionally, and taken up again at a later stage.
- (c) Election of Vice-Presidents, General Committee and Credentials Committee;
- (d) Consideration by the General Committee and the plenary Conference of the order of business of the Conference, for which the present document is designed as a working paper.

12. The substantive work consists of:

- (e) Opening statements of delegations;
- (f) Consideration of the draft text in detail;
- (g) Adoption of the Convention as a whole;
- (h) Consideration of and voting on Conference resolutions, if any;
- (j) Final stages—
 - (i) reading of Final Act and Convention;
 - (ii) signing of Final Act and Convention.

13. Procedure on stages (e) and (f) might be outlined, for the purpose of illustration, as follows:

Stage (e) — Opening statements: In accordance with established custom, those delegations which wished to do so would have an opportunity of making general statements on the Draft Convention and on important questions in it. At this stage there would be no debate, detailed consideration of texts, votes or other decisions.

14. *Stage (f) — Consideration of the draft text in detail:* It has been suggested in paragraphs 7-10 above that, from the point of view of the main work of the Conference, a flexible *ad hoc* committee or working group structure is likely to prove more efficient and more expeditious than a more rigid structure. The procedure at this stage might be as follows:

- (a) An article, or group of closely-related articles — Articles 2 and 3 for instance—would be given a first reading by the Plenary. If discussion showed either general agreement on the whole, or that a small number of well-defined questions could be clearly settled by a vote, the Plenary might then refer the article or articles to the Drafting Committee. If, however, further work was required to reach an acceptable compromise text, or alternative proposals were necessary to enable clear decisions to be taken, the Plenary would refer the Articles to an *ad hoc* committee or a working group. The *ad hoc* committee or working group would then draw up, if possible a single proposal, otherwise a minimum number of proposals, on which the Plenary could then take decisions, including decisions on any further amendments or additions put forward in the Plenary itself, and refer the articles to the Drafting Committee.
- (b) The Drafting Committee would submit a single text to the Plenary drawn up in accordance with the instructions it had received under paragraph (a) above.
- (c) The plenary would vote on the text and any amendments. Since these would be decisions of substance, Rule 38 would apply to such votes.
- (d) When the whole Convention has been voted in parts in this way, the Drafting Committee should be given an opportunity to examine the Convention for any discrepancy, and suggest either drafting changes or, if a question of substance were involved, an alternative text, which would then have to be voted on by the Plenary in accordance with Rule 38.

15. The Convention as a whole would then be put to the vote in the Plenary.

DIVISION OF THE CONVENTION AND OUTLINE TIME-TABLE ¹

Note by the Secretariat

1. For the purpose of the discussions of the Conference it will be necessary to divide the draft convention into a number of parts. If suggestions generally on the lines of paragraph 14 (a) of the note by the Secretary-General on the organization of the work of the Conference (E/CONF.34/3) are adopted, each of these parts will call for separate discussion in the plenary followed, where necessary, by examination by an *ad hoc* committee. These parts cannot, of course, be self-contained since the whole convention interlocks to a certain extent: the Chair will, however, see to it that the necessary links between different parts are taken into account.

2. The most convenient order for discussion and decision naturally differs considerably from the best arrangement of material in the final text. For instance, it is usual to place the article on definitions at the beginning of a convention, but the definitions have to be considered *pari passu* with the articles to which they relate, and then reviewed at the end.

3. In order to provide a basis for discussion, the following division into "parts" is tentatively suggested :

- (a) Scope of the convention and method of bringing additional substances under control — Articles 2 and 3, less the Schedules, on which latter the Technical Committee will report (paragraph (j) below);
- (b) National Control; general — Articles 25, 30, 40-43;
- (c) National Control; opium poppy and poppy straw — Articles 31-34;
- (d) National Control; coca leaf — Articles 35-38;
- (e) National Control; cannabis — Articles 39;
- (f) National Measures: Treatment of drug addicts — Article 47;²
- (g) International Organs and obligations of Governments to them: Information to be furnished by governments — Articles 4, 20, 21, 26-29;
- (h) International Organs and obligations of Governments to them: Measures exercisable by the Board in case of non-compliance — Article 22;
- (i) International Organs: Constitution, functions and secretariat — Articles 5-19, 23, 24;³
- (j) Technical questions: these are the questions to be referred to the Technical Committee (see E/CONF.34/3, paragraph 6);
- (k) Direct measures against the illicit traffic — Articles 44-46;
- (l) Final clauses — Articles 48-57;⁴
- (m) Definitions — Article 1: most of these will have been dealt with in the course of previous discussion, but no doubt the Drafting Committee will be asked to review them as a whole; Preamble (if any).

¹ Circulated as document E/CONF.34/C.1/L.1.

² Article 47 was in fact discussed in the plenary meeting only and at the twenty-fourth plenary meeting was referred to the Drafting Committee.

³ Only articles 7, 10, 11, 13-16, 19 and 23 were in fact discussed by this Committee. Articles 5 and 6 were referred to the Drafting Committee at the twentieth plenary meeting; Articles 8 and 9 were deleted at the twentieth plenary meeting; Articles 17 and 18 were deleted at the twenty-first plenary meeting; while Articles 12 and 24 were replaced at the twenty-fifth plenary meeting by the Afghanistan, Brazil, Denmark and United States joint amendment (E/CONF.34/L.10). ¶

⁴ Articles 48-57 were in fact discussed in the plenary only, at its thirty-fourth to thirty-eighth meetings.

4. *Time-Table.* If the Conference is to be completed in the eight weeks scheduled, approximately the following time-table will have to be observed:

First week: Organization of Conference and general statements (E/CONF.34/3, paragraph 13).

Second to sixth week, inclusive: About three "parts" as discussed above, each week. Of the 13 parts suggested, perhaps as many as 9 or 10 may require *ad hoc* committees. During the third and fourth weeks, the Technical Committee will work in parallel with the *ad hoc* committees.

Seventh and eighth weeks: Finish "parts" and their *ad hoc* committees and their reports; adoption of the convention as a whole; Final Act and Conference resolutions.

RULES OF PROCEDURE¹

CHAPTER I. — Representation and credentials

Composition of delegations

Rule 1. — The delegation of each State participating in the Conference shall consist of an accredited representative and such alternate representatives and advisers as may be required.

Alternates or advisers

Rule 2. — An alternate representative or an adviser may act as a representative upon designation by the Chairman of the delegation.

Submission of credentials

Rule 3. — The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary if possible not later than twenty-four hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4. — A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of nine members who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5. — Pending a decision of the Conference upon their credentials, representatives shall be entitled provisionally to participate in the Conference.

CHAPTER II. — Officers

Elections

Rule 6. — The Conference shall elect a President and eighteen Vice-Presidents. These officers shall be elected on the basis of ensuring the representative character of the General Committee provided for in Chapter III. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Except in the case of the General Committee (Rule 14), each committee, sub-committee and working group shall elect its own officers.

Rule 7. — The President shall preside at the plenary meetings of the Conference.

Rule 8. — The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 9. — If the President is absent from a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place.

Rule 10. — A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 11. — If the President is unable to perform his functions, a new President shall be elected.

The President shall not vote

Rule 12. — The President, or Vice-President acting as President, shall not vote but may appoint another member of his delegation to vote in his place.

Application to committees

Rule 13. — The rules of this Chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

CHAPTER III. — General Committee

Composition

Rule 14. — There shall be a General Committee, which shall comprise the President and Vice-Presidents of the Conference. The President of the Conference, or, in his absence, a Vice-President designated by him, shall serve as Chairman of the General Committee. Chairmen of other committees may be invited by the President to participate without vote in the work of the General Committee.

Substitute members

Rule 15. — If the President or Vice-President of the Conference finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee.

¹ Circulated as document E/CONF.34/2. Chapters I, II, III and rules 45-47 of chapter VII were adopted at the first plenary meeting; the remainder was adopted at the fifth plenary meeting.

Functions

Rule 16. — The General Committee shall assist the President in the General conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

CHAPTER IV. — Establishment of other committees and appointment of committee members

Establishment of Committees

Rule 17. — In addition to the general Committee and Credentials Committee, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions. Each committee may set up subcommittees and working groups.

Appointment of Members of Committees and Working Groups

Rule 18. — 1. Except in the case of the General Committee, members of committees or working groups of the Conference shall be appointed by the President, subject to the approval of the Conference, unless the Conference decides otherwise.

2. Members of sub-committees and working groups of committees shall be appointed by the Chairman of the Committee in question, subject to the approval of that committee, unless the committee decides otherwise.

CHAPTER V. — Secretariat

Duties of the Secretariat

Rule 19. — 1. The Executive Secretary, appointed by the Secretary-General of the United Nations, shall act in that capacity at all meetings. He may appoint a deputy to take his place at any meeting.

2. The Executive Secretary shall provide and direct such staff as is required by the Conference, shall be responsible for making necessary arrangements for meetings and generally shall perform other work which the Conference may require.

Statements by the Secretariat

Rule 20. — The Executive Secretary or his deputy may make oral or written statements concerning any question under consideration.

CHAPTER VI. — Conduct of business

Quorum

Rule 21. — A quorum shall be constituted by the representatives of a majority of the States participating in the Conference.

In a committee, sub-committee or working-group the quorum shall be constituted by a majority of the mem-

bers of the Committee, sub-committee or working group concerned.

General powers of the President

Rule 22. — In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order, and subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the debate on the question under discussion.

Speeches

Rule 23. — No person may address the Conference without having previously obtained the permission of the President. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 24. — During the discussion of any matter, a representative may raise a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative raising a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 25. — The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken for his allotted time, the President shall call him to order without delay.

Closing of list of speakers

Rule 26. — During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Adjournment of debate

Rule 27. — During the discussion of any matter, a representative may move the adjournment of the debate

on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 28. — A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Suspension or adjournment of the meeting

Rule 29. — During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment.

Order of procedural motions

Rule 30. — Subject to rule 24, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) For the closure of the debate on the question under discussion.

Proposals and amendments

Rule 31. — Proposals and amendments thereto shall normally be introduced in writing and handed to the Executive Secretary of the Conference, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated, or have only been circulated the same day.

Decisions on competence

Rule 32. — Subject to rule 30, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment

submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Withdrawal of motions

Rule 33. — A motion may be withdrawn by its proposer at any time before voting on it was commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be re-introduced by any representative.

Reconsideration of proposals

Rule 34. — When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

Invitations to technical advisers

Rule 35. — The Conference may invite to one or more of its meetings any person whose technical advice it may consider useful for its work.

Application to Committees

Rule 36. — The rules of this chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

CHAPTER VII. — Voting

Voting rights

Rule 37. — Each State represented at the Conference shall have one vote.

Required majority

Rule 38. — 1. Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. Any appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. Decisions of a committee, sub-committee or working group on matters of substance and procedure shall be taken by a majority of the members present and voting.

Meaning of the expression "representatives present and voting"

Rule 39. — For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 40. — The Conference shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President.

Conduct during voting

Rule 41. — 1. After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

2. For the purpose of this rule, "voting" refers to the voting on each individual proposal or amendment.

Division of proposals and amendments

Rule 42. — A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 43. — When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 44. — If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Elections

Rule 45. — All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 46. — 1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with paragraph 1 above.

Rule 47. — When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 48. — If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Application to Committees

Rule 49. — The rules of this Chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

CHAPTER VIII. — Languages and records

Official and working languages

Rule 50. — Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

English, French and Spanish shall be the working languages.

Interpretation from a working language

Rule 51. — Speeches made in any of the working languages shall be interpreted into the other two working languages.

Interpretation from official languages

Rule 52. — Speeches made in either of the two official languages shall be interpreted into the three working languages.

Interpretation from other languages

Rule 53. — Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

Summary records

Rule 54. — Summary records of the plenary meetings of the Conference and of the meetings of the General Committee and of any Committee of the Whole shall be kept by the Secretariat. They shall be sent as soon as possible to all representatives, who shall inform the Secretariat within three working days after the circulation of the summary record of any changes they wish to have made.

Language of documents and summary records

Rule 55. — Documents and summary records shall be made available in the working languages.

CHAPTER IX. — Public and private meetings

Plenary meetings and meetings of committees

Rule 56. — The plenary meetings of the Conference and the meetings of committees shall be held in public unless the body concerned decides otherwise.

Meetings of sub-committees or working groups

Rule 57. — As a general rule meetings of a sub-committee or working group shall be held in private.

Communiqué to the press

Rule 58. — At the close of any private meeting a communiqué may be issued to the press through the Executive Secretary.

CHAPTER X. — Observers for States not participating in the conference

Rights of Observers for States

Rule 59. — A State which has been invited to the Conference but which is not participating in it by an accredited representative may appoint an observer to it. The name of the observer shall be communicated without delay to the Executive Secretary, if possible not later than twenty-four hours after the opening of the Conference. Such observers shall have the right to participate in the deliberations of the Conference and of those committees, sub-committees and working groups to which they are invited by the President, the Conference, the Chairman of the body in question, or this body itself. These observers shall not have the right to vote but may submit proposals which may be put to the vote at the request of any delegation participating in the Conference or other body as the case may be.

CHAPTER XI. — Observers for specialized agencies, other intergovernmental bodies, and non-government organizations

Rights of Observers for Organizations

Rule 60. — 1. Observers for specialized agencies and other intergovernmental bodies invited to the Conference may participate in the deliberations of the Conference and its committees, sub-committees and working groups with respect to items of concern to their respective organizations. These observers may submit proposals regarding such items, which may be put to the vote on the request of any delegation participating in the Conference, or other body as the case may be.

2. Written statements of such specialized agencies and intergovernmental bodies shall be distributed by the Executive Secretary to the delegations and observers at the Conference.

3. Observers for the International Criminal Police Organization and other non-governmental organizations may also be permitted by the Conference to sit at public meetings of the Conference, its committees, sub-committees and working groups. At the invitation of the President, the Conference, the Chairman of any other body in question, or this body itself, the observers may address orally or in writing the Conference or these bodies on any subject indicated in the invitation. Such written statements shall be distributed by the Executive Secretary to all delegations and observers.

CHAPTER XII. — Amendment

Amendment of Rules

Rule 61. — These rules of procedure may be amended by a decision of the Conference.

SUMMARY RECORDS OF PLENARY MEETINGS

FIRST PLENARY MEETING

Tuesday, 24 January 1961, at 3.45 p.m.

Acting President: Mr. NARASIMHAN (Under-Secretary for Special Political Affairs, representing the Secretary-General)

later:

President: Mr. SCHURMANN (Netherlands)

Opening of the Conference

Mr. NARASIMHAN (Under-Secretary for Special Political Affairs), on behalf of the Secretary-General, declared the Conference open.

He said that the Convention to be adopted had three objects. The first was to replace by a single instrument the nine existing international treaties, the oldest of which dated back half a century, simplifying and clarifying them and adapting them to the economic and social changes which had occurred over the years. The discoveries in chemistry and pharmacology, the improvement of transport and communications and the more rapid response of trade to demand necessitated the continual adjustment of control. The provisions should therefore be made more flexible so that they could be amended without the need to convene international conferences and conclude new treaties.

The second object of the Convention was to reduce the number of international bodies concerned with the control of narcotic drugs. For that purpose, the draft provided for the merger of the Permanent Central Opium Board and the Drug Supervisory Body. On the other hand, it called for the establishment of a committee to hear appeals against certain decisions of the new body. The appeals committee would function only intermittently, but it would nevertheless constitute another new body. Some governments had expressed doubts about the need for the committee and it would be for the Conference to decide that point. In addition, the General Assembly, in its resolution 1587 (XV), had made some recommendations to the Conference with a view to simplifying the organization of the Secretariat.

The third object of the Convention was to regulate the production of raw materials. Control of the production of manufactured drugs had been ensured by the Convention of 1931 and the Protocol of 1948, but there was no international instrument regulating the production of agricultural raw materials: the opium poppy and opium, the coca leaf and the cannabis plant.

Large numbers of small-scale growers were engaged in such production, which was therefore much more difficult to control than the production of manufactured

drugs, and as yet it had not been possible to reach agreement on that subject. The Protocol of 1953, which had been designed to control the production of opium, had not been ratified by the requisite number of producing countries, and the solutions it proposed had in part been reformulated in the draft Convention.

Fortunately, in many countries national measures concerning opium had gone far beyond the requirements of the treaties and offered excellent models for the Convention.

In the case of the coca leaf, efforts were of more recent date and considerably less experience had been gained in techniques of control, but the problem was geographically much narrower.

With regard to cannabis, the studies of the Commission on Narcotic Drugs had clarified many aspects of the problem which had been virtually unknown a decade before. It was clear that the cultivation of hemp for the sake of its fibre should not normally cause difficulties from the point of narcotics control, and it was almost universally agreed that its cultivation for other purposes should be prohibited altogether.

The formulation of measures for the control of agricultural raw materials which would be both adequate and practicable was undoubtedly the most difficult part of the Conference's task.

The Commission on Narcotic Drugs, which determined international policy in the matter of control, would continue to have a dual source of authority and a dual set of functions: on the one hand under the Convention, and on the other under the Charter as a functional commission of the Economic and Social Council.

In practice, that dual role had not created any real difficulties and had the great advantage of offering great flexibility in matters in which flexibility was particularly useful, for a treaty system was not easily adaptable to new situations.

The Commission, with its authority deriving partly from the Charter, had made it possible for the treaty system to be supplemented by the method most characteristic of modern international organizations, that of technical assistance. In the past, when countries had been unable to meet their treaty obligations, it had very often been less through lack of good will than through lack of resources, especially administrative and technical resources. As yet, the technical assistance given in the sphere of narcotic drugs had been comparatively modest, but it had already yielded good results and should in the future help to secure the much more effective implementation of treaty obligations. The participants in the Conference had undoubtedly been pleased to note that the General Assembly, at its recent session, had increased the allocation for special supple-

mentary technical assistance in the sphere of narcotics control.

In view of that, the Conference could concentrate on provisions which should clearly form the subject of international legal obligations and those which would make it possible, if necessary, to extend those obligations, leaving aside those matters for which such provisions were not essential. The Conference's work, which was very heavy, would thus be greatly eased.

If the treaty system was to work effectively, the participation of virtually all governments was necessary, and from that point of view the situation with regard to narcotic drugs had been very encouraging in the past. Nevertheless, it was not an easy matter to draft a convention incorporating the greatest possible number of improvements and susceptible of accession by the greatest possible number of States, and some compromise would be necessary.

Election of Chairman

Mr. MATSUDAIRA (Japan) proposed Mr. Karl Schurmann as President of the Conference. His outstanding qualities and his vast experience in international affairs made him a natural choice as the man to guide the Conference in bringing its difficult task to a successful conclusion.

Mr. SCHWEIZER SPEISKY (Chile), Mr. AZARAKHSH (Iran), Mr. CURRAN (Canada), Mr. BANERJI (India), Mr. MILLET (France), Mr. GREEN (United Kingdom), Mr. DIOP (Senegal), Mr. FINGER (United States of America) and Mr. DELGADO (Philippines) supported the nomination.

Mr. Schurmann (Netherlands) was elected President of the Conference by acclamation and took the Chair.

The PRESIDENT said that he was deeply grateful to the members of the Conference for the confidence they had shown in him. In particular, he thanked the representative of Japan and all those who had supported his nomination. Having only recently become acquainted with the problem of narcotics, he could claim to be without bias and he would do his best to direct the proceedings with the utmost impartiality and expedition.

The international system of narcotics control which the Conference was to modernize dated from the beginning of the century. It had worked well and had a number of past and present achievements to its credit. The system had thus been well tested and embodied a number of features which should certainly be perpetuated and reinforced. It endeavoured to reconcile the need for narcotics for medical use with the need to curb a traffic which was a serious public evil and a heavy economic burden in a number of countries.

The system had been largely successful in regulating the trade in narcotics for medical purposes and had, on the whole, minimized the over-production of narcotics and their leakage into the illicit traffic, which had been such a serious problem in the 'twenties, when the League of Nations had begun to deal with the question. The Commission on Narcotic Drugs had not

therefore proposed any major changes in the parts of the Convention dealing with the national control of the production, distribution and use of narcotics, coupled with the general supervision by the Commission and with the statistical checks carried out by the Permanent Central Opium Board and the Drug Supervisory Body.

The enforcement services which operated directly against the illicit traffic had certainly improved a great deal, but much remained to be done in the field, particularly in view of the rapid expansion of trade and communications. The Conference would no doubt consider the possibility of introducing generally acceptable improvements in the relevant articles of the draft Convention.

Another aspect of particular interest was the increasing realization of the economic and social loss involved in the illicit drug traffic and drug addiction. While that loss was especially serious in the under-developed countries, it was no less felt in a number of developed countries too. The large-scale reforms undertaken by the Governments of Iran, Afghanistan and Thailand to stop the production and use of opium in those countries were thus a good augury for the Conference.

The Under-Secretary for Special Political Affairs had pointed out that, by reason of the dual nature of the functions of the Commission on Narcotic Drugs, it would not be necessary to make provision in the Convention for technical assistance measures that could be better handled under the Commission's other function. In their comments, governments had not perhaps given sufficient weight to that consideration; it should, however, be kept in mind, since it could lighten the task of the Conference and enable a simpler and more streamlined Convention to be produced.

To draw up a good Single Convention would require much hard work and a spirit of co-operation and give-and-take. Undoubtedly all the representatives would give of their best so as to devise an instrument that would be both effective and generally acceptable. Only thus could narcotic drugs be kept from peddlers and addicts and their use be restricted to the sufferers who really needed them.

Adoption of the rules of procedure (E/CONF.34/2)

The PRESIDENT proposed that the Conference should adopt chapters I, II and III, and rules 45-47 of chapter VII of the provisional rules of procedure (E/CONF.34/2), and consider the other rules at a future meeting.

Mr. FINGER (United States of America) considered that, in elections, account should be taken not only of equitable geographical distribution and of the technical qualifications of candidates, but also of the keen interest taken in the subject by many countries. He therefore proposed that the number of vice-presidents should be increased from fourteen to eighteen and rule 6 of chapter II amended accordingly.

Mr. RODIONOV (Union of Soviet Socialist Republics) supported the proposal for an increase in the membership of the General Committee, which would enable all areas of the world to be represented as well as the main producing and consumer countries.

Chapter I, chapter II, as amended, chapter III and rules 45 to 47 of chapter VII of the provisional rules of procedure were adopted.

The PRESIDENT said that the rest of the rules of procedure would be considered provisionally adopted.

Election of the Vice-Presidents

The PRESIDENT said that eighteen vice-presidents would be elected in accordance with rule 6 of the rules of procedure. The election would be by secret ballot, as provided in rule 45. To expedite the proceedings, he read out the names of the countries which had expressed a special interest: Afghanistan, Brazil, Dahomey, France, Hungary, India, Iran, Japan, Mexico, Pakistan, Peru, Switzerland, Thailand, Turkey, United Arab Republic, United Kingdom, United States of America, Union of Soviet Socialist Republics.

At the invitation of the President, Mr. Sutanto (Indonesia) and Mr. Arvesen (Norway) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers.....</i>	66
<i>Number of valid ballots.....</i>	66
<i>Required majority.....</i>	34
<i>Number of votes obtained:</i>	
United States of America.....	66
Brazil	65
Japan	65
United Kingdom.....	65
Iran	64
Mexico	64
Peru	64
Turkey	64
Afghanistan	63
France	63
India	63
Dahomey	62
Pakistan	61
Switzerland	61
United Arab Republic.....	61
Union of Soviet Socialist Republics.....	60
Thailand	50
Hungary	48
Morocco	8
Bolivia	4
Bulgaria	3
Chile	3
Indonesia	3
Argentina	2
Canada	2
China	2
Spain	2
Italy	2
Norway	2
Sweden	2

Yugoslavia	2
Burma	1
Colombia	1
Costa Rica.....	1
El Salvador	1
Finland	1
Greece	1
Iraq	1
Ireland	1
Jordan	1
Lebanon	1
Liberia	1
Nigeria	1
New Zealand.....	1
Poland	1

Having obtained the required majority, the United States of America, Brazil, Japan, the United Kingdom, Iran, Mexico, Peru, Turkey, Afghanistan, France, India, Dahomey, Pakistan, the United Arab Republic, Switzerland, the Union of Soviet Socialist Republics, Thailand and Hungary were elected to the vice-presidency.

Mr. ISMAIL (United Arab Republic) proposed that the Conference should invite the Director-General of the Permanent Anti-Narcotics Bureau of the League of Arab States in view of his experience. The secretariat of the League would defray the travel expenses.

Mr. HAKIM (Lebanon) supported the proposal. The League of Arab States, a regional organization recognized by the United Nations, took a special interest in narcotics problems.

The PRESIDENT, after consulting the Conference, noted that there were no objections. Accordingly, he said that he considered the proposal to have been adopted and that the Secretariat of the Conference would send the invitation in question.

Appointment of the Credentials Committee

The PRESIDENT said that, after consulting a number of delegations, he was able to propose the following countries as members of the Credentials Committee: Costa Rica, El Salvador, Spain, Morocco, Nigeria, New Zealand, the Philippines, the United States of America and the Union of Soviet Socialist Republics.

The Credentials Committee was appointed with the membership proposed by the President.

The meeting rose at 6 p.m.

SECOND PLENARY MEETING*Wednesday, 25 January 1961, at 3 p.m.**President: Mr. SCHURMANN (Netherlands)***Organization of work (E/CONF.34/3
and E/CONF.34/C.1/L.1)**

The PRESIDENT suggested that the Conference should approve the arrangements outlined in the secretariat's notes concerning the organization of work, the division of the draft Convention into parts and the timetable of the Conference (E/CONF. 34/3 and E/CONF. 34/C.1/L.1) which had been considered by the General Committee at the morning meeting.

*It was so agreed.****General statements**

Mr. GREEN (United Kingdom) said that narcotics control had two aspects: the limitation of production to legitimate purposes and the prevention of illicit traffic. The object was to eliminate abuses without hindering the use of narcotics for therapeutic purposes or impeding scientific progress. Scientists were hoping to develop substances which would have all the advantages and none of the dangers of the existing analgesics, and it was important not to hamper their research.

For the Single Convention to be effective, it had to be universally acceptable. Actually, even if the draft before the Conference (E/CN.7/AC.3/9 and Add.1) had simply reproduced the provisions of the nine existing instruments, it would have been difficult to agree upon it, since many of those provisions were controversial. As examples he would mention only the 1936 Convention and the 1953 Protocol, the second of which had been ratified by fewer than thirty States and was still not in force.

But the third draft contained, in addition, some entirely new provisions, the inclusion of which would make its acceptance still more difficult. The Conference should not forget that it was preferable to leave out even desirable provisions if they were likely to prove unacceptable to a substantial number of States. It was evident from the comments of governments (E/CONF. 34/1 and Add.1 & 2) that the draft under consideration contained many provisions of that kind, and the Conference would have to show a genuine spirit of compromise if it wished to prepare a universally acceptable instrument.

The draft Convention was the fruit of many years' work, but the time at the disposal of the Commission on Narcotic Drugs at its annual sessions was limited. The second draft (E/CN.7/AC.3/7), dating from 1956, had been very different from the first (E/CN.7/AC.3/3).

At its twelfth and thirteenth sessions, the Commission had had before it the comments of Governments on that draft, but had been unable to consider the questions of principle involved; and the same was true in the case of the third draft. A number of the provisions contained in the latter had given rise to considerable differences of opinion and had been included by a small majority only. The draft therefore needed to be very carefully reviewed.

Another pitfall to be avoided was that of going into excessive detail. The Convention should keep to general principles and trust governments to carry those principles into effect in their national legislation. He echoed the remarks made at the first plenary meeting concerning the part to be played by technical assistance in helping governments to strengthen their national controls.

He next turned to those provisions which his government would have difficulty in accepting: firstly, article 2, paragraph 1 (e), of the draft Convention, and article 3. It was for governments to decide, after consultation with the medical profession, whether or not the therapeutic properties of a substance justified its prohibition. Unless the provisions of those articles were modified, or article 56 allowed the possibility of making reservations thereto, the United Kingdom might be unable to ratify the Convention.

Article 32 was also open to grave criticism. It reproduced the provisions of article 6 of the 1953 Protocol, one of its most controversial articles, which had prevented numerous States, including the United Kingdom, from ratifying the Protocol. The provisions of article 32 were very dangerous, for if several of the countries named in paragraph 1 (a) ceased to produce opium, as Iran and Afghanistan had already decided to do, there might eventually be only one country remaining, which would have a monopoly of the production of opium for medical and research purposes. He was not suggesting that the country would necessarily abuse its position, but the fact remained that such a monopoly would create a disturbing situation for the importing countries.

Nor could the United Kingdom Government accept the mandatory provisions of article 41 concerning the use of official counterfoil books for prescription forms and the use of international non-proprietary names to designate drugs, or the provisions of article 47 regarding the compulsory treatment of drug addicts.

Other provisions, while they did not present major difficulties for the United Kingdom, would none the less need to be amended, and his delegation would return to the matter during the consideration of the individual articles.

The detailed study of the Convention would be a heavy task, but if the Conference approached it realistically, with determination and in a spirit of compromise, it should be possible to complete it in the time available.

Mr. DANNER (Federal Republic of Germany) said that the idea of replacing the existing agreements by a Single Convention was more than ten years old. The

* As a consequence of this decision, the order in which the provisions of the draft single Convention were discussed is that given in para. 3 of document E/CONF.34/C.1/L.1.

third draft submitted by the Commission on Narcotic Drugs was the fruit of long study. Many of the provisions had met with general support and would not require any long discussion; but the voluminous document containing the comments of governments showed that the same was not true of all articles. However, whatever disagreements there might be, the determination of delegations to find common ground would undoubtedly enable the differences to be overcome. The Federal Republic of Germany was ready to accept any compromise solutions compatible with the principles on which its national legislation was based.

He was convinced that, given a spirit of co-operation, the Conference would succeed in drawing up a Single Convention which would be effective and generally acceptable.

Mr. BITTENCOURT (Brazil) said that his delegation would spare no effort to collaborate in the work of the Conference, which was a landmark in the history of international co-operation in the field of narcotics control. The object was not only to consolidate the existing conventions and protocols, but also to bring them up to date and to adapt them to future requirements.

Brazil, like many other countries, considered that full acceptance by all countries concerned was essential to the success of the new Convention, and that compromise solutions must be found for the controversial provisions. It would therefore be desirable, when once the principles had been settled, to modify the document so that certain States would not make too many reservations.

His government was in general agreement with the draft. It recognized that penalties should and could be prescribed as part of the fight against the illicit traffic and that a mandatory embargo should be provided for in the spirit of the 1931 Convention; in principle, it supported all the types of control proposed in the draft. However, it noted certain omissions in the draft and thought that some aspects required careful study, in order that state sovereignty be not infringed.

Brazil had a long tradition in the control of narcotics: it had been one of the signatories to the Hague Convention of 1912, and had ratified and applied all subsequent international instruments concerning narcotics. In 1936 it had established the Brazilian National Narcotics Control Commission which had broad powers and was in touch with international technical agencies.

The effectiveness of control manifestly depended on national legislation. In that connexion he could say that Brazil possessed one of the most complete and up-to-date legislative systems to be found in the narcotics field. The first laws establishing penalties for illicit traffic had entered into force in 1921. As a consequence of the conference held at São Paulo in 1959 the Brazilian Government was contemplating the establishment of a special federal department to take vigorous measures in close collaboration with the National Commission, against the planting, traffic and use of cannabis, which occurred commonly in the north and north-east of Brazil.

The statistics published by the Permanent Central Opium Board showed the enviable position of Brazil with regard to the legitimate use of narcotics as compared to the other countries of the hemisphere. In the same way, addiction to opium, morphine, heroin and cocaine did not exist on a large scale in Brazil.

On the other hand, the definite increase which had taken place in cocaine traffic had aroused the deep concern of the international agencies involved.

In view of that grave situation, his government had convened an Inter-American meeting to discuss the illicit traffic in cocaine and coca leaf; the meeting, which had taken place in March 1960 at Rio de Janeiro, had been attended by the representatives of twelve countries, by Mr. Yates, the Director of the United Nations Division of Narcotic Drugs, and by a representative of Interpol. The report of the fifteenth session of the Commission on Narcotic Drugs dealt in detail with the important results of that meeting, which reflected the determination of the participating countries to repress cocaine and coca leaf smuggling. His government believed that in that respect Brazil and the American countries concerned were among the leaders of the international fight against the illicit narcotics traffic.

It was gratifying to note that many of the measures proposed in the draft Convention, such as those concerning the treatment of drug addicts and the regulation of the narcotics supply and traffic, had been embodied in Brazilian legislation for some time.

He expressed the hope that the differences of opinion still prevailing would be resolved, so that the Conference might successfully complete its appointed task.

Mr. CURRAN (Canada) said that his government's position was described in the comments on the third draft of the Single Convention. However, he wished to stress again that, in an undertaking as important as narcotics control, the number of countries acceding to the Single Convention should be as close as possible to the ideal of universality, which was essential to satisfactory international action. The best method of ensuring that universality of acceptance would, in his view, be to seek the maximum possible simplification of the convention compatible with effectiveness.

As the chairman of the drafting committee which had prepared the draft Convention, he thought that it represented a considerable advance, but hoped that it might be still further improved and deliberately simplified.

Canada had signed all the existing narcotics treaties and was aware of the need for vigorous legislative measures. Indeed, a proposal providing penalties ranging up to life imprisonment for narcotics traffickers had just been submitted to the Canadian Parliament. His delegation would be pleased to take part in drawing up an instrument that would be accepted by the greatest possible number of States and would further strengthen international narcotics control.

Mr. AZARAKHSH (Iran) said that nations had not been successful in their centuries-old struggle against

drug addiction until they had begun to work together at the international level. The countries suffering from that scourge had agreed to make enormous sacrifices, but, as they intensified their efforts, the ever-rising price of narcotics attracted traffickers and the struggle was becoming daily more difficult.

Moreover, drug addiction was like a contagious disease: no country could be certain that it would be spared. Therefore, when a country like Iran at great cost prohibited the cultivation of the poppy to abolish that evil, it was in fact eliminating a source of danger to the health of the whole world and benefiting all mankind. The fight against drug addiction thus demanded close and genuine international co-operation.

At the beginning of the century, opium and opium derivatives, easy to produce but difficult to control, had been the only known agents for easing pain and treating certain illnesses. Since then synthetic drugs had been discovered, which were very easy to control, less costly and often much more effective. Opium had consequently lost much of its significance, and some day mankind might be entirely free from its bondage to narcotics.

Upon the adoption of the Single Convention, all countries should give proof of their good intentions by introducing very severe measures for the limitation of the production and the control of the distribution of addiction-producing substances.

Mr. ISMAIL (United Arab Republic) said that he was very happy to participate in a conference dealing with a problem that was so vital to many countries, including his own. The United Arab Republic was neither a producer nor a consumer of narcotic drugs but it was, unfortunately, one of the victims of the illicit traffic, particularly in cannabis and opium.

The United Arab Republic fully appreciated the efforts made by the United Nations to rid the world of that scourge, and it supported the draft Single Convention, both for reasons of principle and because of its sheer necessity and urgency. The success of the Conference depended on the firm determination of all countries to achieve that aim, and the provisions in article 22 were a step in the right direction; but no effort could succeed without the full co-operation of the countries which were producers of natural narcotics or manufacturers of synthetic drugs.

In recent years, the government of his country had intensified the campaign against the illicit traffic, in particular by making the penalties more severe. It had also established a hospital for the treatment and rehabilitation of addicts.

Every country was under a moral obligation to make the Convention an effective instrument serving the interests of the entire world. On behalf of mankind, therefore, his delegation urged all States to give it their full and whole-hearted support.

Mr. ASLAM (Pakistan) said that he would make detailed comments when the draft Convention was being considered article by article. He was convinced that the Conference, at which so many countries were

represented, would reach unanimous agreement on the adoption of national and international measures for the suppression of the illicit traffic as soon as possible and on banning the non-medical use of narcotics. The provisions must be easy to apply in all countries, the methods of control being left to the discretion of the national authorities.

His government was convinced that the divergencies of view on some of the provisions could be ironed out if a realistic approach was adopted and that the Conference would produce a generally acceptable Convention.

Lastly, he emphasized the importance of the treatment of drug addicts. That was primarily the responsibility of the national authorities, but the under-developed countries had particular need of special assistance in order to establish the necessary treatment centres and train the personnel they required.

Mr. GIORDANO (United States of America) recalled that the idea of a Single Convention had been a United States initiative. For more than half a century, the United States had been advocating the international control of narcotic drugs. On the initiative of the United States, the International Opium Commission had met at Shanghai in 1909; it had been largely responsible for the conclusion, three years later, of the first International Opium Convention, signed at The Hague. Since that time, it had been necessary to adapt international control to technological advances. The result had been a multiplicity of treaties, but the principles of the Hague Convention were still the basis of international narcotics control. International control had developed over the last fifty years. Although progress had been relatively slow, every agreement concluded during that period had represented the maximum commitment that governments had been ready to accept. Some governments had made enormous efforts to eliminate drug addiction and to control the production of opium; Iran was a notable example.

Although considerable success had been achieved in the control of the illicit traffic, the limitation of the production of opium and coca leaf and the suppression of drug addiction, much still remained to be done. The over-production of opium, the excess of which found its way into the illicit traffic, was still a serious problem. Even though great strides had been made in controlling the legitimate trade in narcotic drugs, smuggling continued to be a serious threat. If the illicit drug traffic was to be eliminated, it was essential to limit the production of opium to medical and scientific needs only.

The United States Government would support, in principle, the provisions of the draft Single Convention placing opium production under international control, as a necessary requirement for an effective instrument. It would also support the provision relating to the treatment of drug addicts, which it had been urging for many years.

The purpose of the Conference was to simplify the international control machinery, but it should be especially careful not to weaken the international control system. Views might differ regarding the way in which

the principles were to be stated, but if the struggle against the illicit drug traffic was to continue, it was essential to show mutual understanding and arrive at an acceptable convention under which every nation would assume its responsibility in the field of narcotics.

Mr. KRUYSSSE (Netherlands) welcomed the opportunity to replace the existing agreements by a single instrument covering every problem in the field of narcotic drugs. Although the system of control had been clearly defined in the Conventions of 1925 and 1931 and the 1948 Protocol, it was often difficult to apply the existing agreements to a situation resulting from new developments. It was therefore necessary both to improve the existing system and, when drafting the new Convention, to try to anticipate future developments. Another possible danger was that the international instruments might go beyond what was necessary in the field of international co-operation for the protection of public health. A basic principle should be that the national authorities were responsible for preventing the abuse of drugs and for deciding whether a certain drug should be placed under stricter control, or even totally prohibited. He would return to that point when the schedules were being discussed.

The Netherlands delegation supported the proposed merger of the Permanent Central Opium Board and the Drug Supervisory Body. The high reputation and authority of those two bodies were largely based on the high standard of the work they had done. Accordingly, any move to vest in the control Board functions other than those previously exercised by the predecessor bodies should be approached with caution. Probably, the International Narcotics Commission rather than the Board should be made responsible for supervising the application of the Convention.

As had been pointed out by earlier speakers, the Convention should be acceptable to as many countries as possible. One of the fields in which most difficulties were likely to arise was that of mutual assistance in penal matters. The penal law of different countries reflected widely differing moral, religious and cultural traditions. For that reason, agreement in that field would be achieved only if the Parties were not too much bound by provisions which might be at variance with their own penal law.

He wished to mention the special position of the Benelux countries, Belgium, Luxembourg and the Netherlands. When that union, which was a customs union, had come fully into operation, it would be necessary to consider the Benelux territory as one unit for the purpose of the performance of some of the obligations under the Convention.

The meeting rose at 4.20 p.m.

THIRD PLENARY MEETING

Thursday, 26 January 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

General statements (*continued*)

Mr. HAKIM (Lebanon) said that one of the Purposes of the United Nations was to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character; the control of narcotic drugs was one of the most important of those problems. There was need to codify the existing regulations and bring them up to date; it was also necessary to establish effective control organs at the national and international level to regulate the production of and trade in narcotic drugs. By combining the principal international treaties on narcotic drugs, the Single Convention would provide a secure basis for efficient international co-operation in that field. However, a few controversial points and technical problems remained to be solved before the instrument could be adopted.

Mr. POSAYANONDA (Thailand) said that, because of its geographical position, Thailand was a transit point for the illicit traffic in opium and it had therefore had a hard struggle to control the traffic, although opium smoking itself had been banned since 1945. The free exchange of views which had taken place at the first session of the South-East Asia Consultative Group on Opium Policy and Narcotics Enforcement, held in Thailand in December 1960, had been very helpful to his country. His government welcomed the Single Convention and would be happy to co-operate in working out appropriate texts for those articles which would have to be modified in order to make the Convention generally acceptable.

Mr. BANERJI (India) said that his country attached very great importance to the question of control over narcotic drugs and that the "prohibition of the consumption except for medicinal purposes" of such drugs had been embodied in the Constitution of India. His government was anxious that the progress it was making should not be jeopardized through inaction on the part of others, and also that increased scientific knowledge, improved communications and the increasing tensions of modern life should not lead to the replacement of one form of addiction by another, perhaps even more pernicious. Already, heroin had replaced raw opium, and a mixture of barbiturates and heroin was being commonly used; in the future, yet more potent synthetics might increasingly find their way into the illicit narcotics traffic. It was therefore urgent that the existing international agreements on the subject should be not only consolidated, codified and simplified, but also substantially strengthened where necessary. The maximum degree of international co-operation should be the objective in that field, but his delegation wished also to urge that the efforts of the Conference

should be directed towards achieving the very best possible solutions. The adequacy of supplies of approved narcotic substances was important for both public health and commerce, but commercial considerations had to be subordinated to the interests of public health where necessary. It had also been authoritatively stated that the problem of control over natural drugs at source was greater than that of the control of the more refined products, but his delegation had doubts on that point. Control over the cultivation of the poppy, cannabis and coca plants was certainly difficult; however, the progress made by his and certain other Governments showed that, with the assistance of international bodies, and when there was the assurance that any sacrifice of commercial interests would not go unreciprocated, a great measure of success could be achieved. On the other hand, refined products and synthetic drugs which were manufactured in small laboratories, easily portable and hard to distinguish from harmless chemical substances which were in constant use, presented even more difficult problems. It was in the illicit traffic in drugs of that kind that the highest profits were made, and his delegation considered that the question of control in that field should be given at least equal importance with that of control over natural substances.

The draft under discussion was the result of many years of effort and his delegation thought that its basic approach was sound. India was one of the small number of countries which were signatories to all the existing treaties, conventions and protocols on the subject; it was therefore a matter of some disappointment to his Government that the Opium Protocol of 1953, the provisions of which were being enforced in India, had not yet come into force. He hoped that the deliberations of the Conference would secure more general acceptance of those provisions as incorporated in the draft, with whatever minor modifications proved necessary. His delegation had difficulty in fully understanding why some countries hesitated to accept those provisions, but would make every effort, as the discussions proceeded, to understand their problems and hoped that all representatives would show the same spirit of understanding.

His government was conscious of its great responsibilities as a large opium producer and exporter. Since the signing of the 1912 Treaty progressively tighter measures for the control of the cultivation and distribution of the drug had been imposed; oral consumption, even for quasi-medical purposes, had been abolished with effect from April 1959, and such leakages as occurred were very few in proportion to the size of the country and the acreage under opium cultivation. Fears had been expressed that a scheme of control which contemplated the limitation of the number of countries producing opium for export would lead to a monopoly, but his delegation felt that the important thing was that control should be effective and that the lawful producers should not exploit their position. In that connexion, his government had made it clear that its policy was to sell opium not so much for profit as with a view to ensuring adequate supplies only to those who could make use of it for medical purposes.

U TIN MAUNG (Burma) recalled that the inter-

national control of the traffic in narcotic drugs was a relatively recent development, the first international conference on narcotic drugs not having been convened until 1909. Since that time, there had been a growing awareness of the need for international consultation and control, particularly since the end of the Second World War. Burma had automatically become a party to seven out of the eight existing narcotics treaties when it had achieved its independence, in January 1948. It had acceded to the 1948 Protocol and was considering acceding to the 1953 Protocol.

The opium habit had been introduced into Burma by immigrants and had become a serious problem, the number of registered consumers in the country reaching 48,000 by 1940. Control was complicated by the fact that there were different regulations for Burma proper, the Kachin Hill Tracts, the Shan States west of the Salween River and the Shan States east of it. After the war, the opium shops had not been reopened in Burma proper and the Kachin States, but in the Shan States the sale of opium under licence had been permitted.

In February 1948, a government policy had been laid down prohibiting the non-medical use of opium in the whole of the Union of Burma. The main points of the programme were the prohibition of poppy cultivation and its replacement by cash crops, the prohibition of the trade in and consumption of opium, the treatment of addicts and the prevention of illicit traffic. Unfortunately, Burma had shortly afterwards been plunged into a state of war by a series of uprisings and the incursions of defeated Kuomintang troops from China, which had prevented the wide-spread application of the policy. It was, however, continuing to struggle against tremendous odds to cleanse the country of the opium habit. An encouraging development had been the publication by the Shan State Government of a strongly worded executive instruction prohibiting poppy cultivation west of the Salween River. The Burmese Government hoped to receive technical assistance from the specialized agencies, not only for the introduction of new cash crops in place of the opium poppy but also for the rehabilitation of the populations concerned. It also needed the assistance and close co-operation of neighbouring States, with which it would be happy to exchange information.

Burma was aware of its international obligations and had shown its willingness to co-operate with other countries in controlling the illicit traffic in and consumption of narcotic drugs. It was in general agreement with the draft of the Single Convention now before the Conference, but it had one serious objection to make. Burma was not recognized as an opium-producing country under article 32(1) and therefore, under article 34, would be bound to destroy any opium it confiscated. The Conference should explore the possibility of amending the draft Convention so as to enable non-producing countries to sell confiscated opium to manufacturing countries for medical and scientific purposes. In that way, Burma would be able to recoup some of the large sums of money it was paying out in rewards for opium seizures.

There were other defects in the draft before the Conference, which should be removed. In its deliberations, the Conference should bear in mind that, in order to be effective, the Convention must be universally acceptable.

Mr. MILLET (France) said that great progress had been made in the control of narcotic drugs and expressed the hope that the Single Convention would be adopted in 1961. He did not wish at that stage to comment on provisions which his government regarded as unsatisfactory in the draft, for its views were well known, but he wished to stress one principle which the Conference should bear in mind when considering amendments to the draft: all proposals should be aimed at either simplifying or improving the existing system, never at complicating or weakening it. With that principle in mind, he expressed the hope that the parties to existing international instruments would not accept less satisfactory provisions than those subscribed to by them earlier.

The Single Convention was intended to replace all the existing international agreements relating to narcotic drugs. There would be no objection to that if the new text had the same scope as the former agreements; but he did not think that that was the case. In particular, chapter IX of the draft, entitled "Measures against illicit traffickers", was not a satisfactory substitute for the 1936 Convention for the Suppression of the Illicit Traffic in Dangerous Drugs. If more satisfactory provisions for international co-operation could not be agreed upon, perhaps the 1936 Convention might remain in force. The parties to it which thought that they could not settle for anything less could then continue to apply its provisions.

Another question which had been given careful consideration by the competent services of the French Government was the scope of the control measures to be applied to the different drugs. They did not suggest any discrimination. All raw materials from which narcotics could be extracted obviously had to be placed under strict control; but the control measures should be realistic and effective. His delegation had reservations regarding the effectiveness of the provisions in the draft relating to the control of poppy straw, for some of them would be impossible to apply. It was happy to see that that view was shared not only by some other delegations but also by the Permanent Central Opium Board and the experts who had studied the question at the request of the Secretariat. He expressed the hope that the Conference would adopt more adequate provisions.

Nor could the problem of synthetic drugs be disregarded. The Conference should adopt provisions which were at least the equivalent of those laid down in the 1931 Convention and the 1948 Protocol and recommended in the resolutions adopted by the Economic and Social Council.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his country was a signatory to the Conventions of 1925 and 1931 and the Protocols of 1946 and 1948, as well as a member of the United Nations Commission on Narcotic Drugs; his delegation was ready to co-operate with other delegations, in a spirit of mutual under-

standing, in the drawing up of a convention which would be effective in the fight against the illicit traffic in Narcotic Drugs. Experience had proved how important it was for the success of that fight that effective control measures should be taken by all governments to regulate the lawful production and preparation of narcotics and to suppress illicit production and manufacture. Careful supervision was also necessary to ensure that the drugs were used for medical and scientific purposes only. The success of international narcotics control depended entirely upon strict national control measures, and the obligations of participating States should be specified clearly in the convention.

Any system of international control involved both large and small countries, with differing economic and social features and structures and different levels of living. Accordingly, it was undesirable that the Single Convention should lay down detailed requirements regarding the internal measures to be taken by governments, since they could best be decided upon by the national authorities themselves.

The draft Single Convention was, in the main, a successful attempt to codify the existing agreements on the subject. Some of its provisions, however, did not appear in previous conventions and infringed the sovereign rights of States. That was true of certain of the provisions taken from the 1933 Protocol which, after eight years, had still not come into force for the reason that the provisions in question were unacceptable to most countries, including opium-producing countries. The draft also gave an exclusive list of the countries—including his own—entitled to produce opium for export; and it prohibited the import of opium or poppy straw from countries not parties to the Convention. That provision infringed the sovereign right of a country to export the products of its labour, and in any case the provisions of an agreement could never apply to States not parties thereto. Furthermore, the control organs set up under the draft convention would be not merely technical organs but supra-governmental bodies, empowered to impose economic sanctions.

All governments recognized the necessity of international control and of uniform national measures, and if the Single Convention did not infringe sovereign rights, all countries would be ready to become parties.

Those provisions which imposed limitations on the participation of countries in the Convention violated the principle of the equality of States and conflicted with the objectives of the Convention, since effective international control depended on participation by as many States as possible. Among the States not invited to the Conference were the German Democratic Republic, which had implemented all the provisions of the 1925 and 1931 Conventions; the Democratic Republic of Viet-Nam, which was an important producing and exporting country; the Democratic People's Republic of Korea; and the Mongolian People's Republic. Moreover, there was no legitimate representative of the Chinese nation at the Conference.

Mr. BRUNNER (Federal Republic of Germany), speaking in exercise of his right of reply, said that one

of the bodies mentioned by the Soviet Union representative, the so-called "Democratic Republic of Germany", lacked all the legal characteristics of statehood and was merely a zone of Germany controlled by the Soviet Union. His government was recognized by more than ninety States as the legitimate spokesman for the whole German nation.

Mr. NIKOLIC (Yugoslavia) said that his government attached great importance to the Conference; Yugoslavia was a small country and not a large producer of opium, nor did opium represent a serious economic or social problem there, but his government was nevertheless anxious to assist in fighting the scourge of addiction. His delegation believed that effective control at both the national and the international level was indispensable. Since the basic Conventions of 1925 and 1931 had been drawn up, scientific progress and changed conditions had revealed gaps in the international control system.

With regard to the draft of the Single Convention, he said that not enough account had been taken of Economic and Social Council resolution 730 B (XXVIII) calling for the provisional control of new narcotic drugs. Likewise, some of the provisions on poppy straw were unlikely to have any practical effect; extract of poppy straw (paste) represented a real danger to addicts, yet no adequate provisions had been made for its control. In the case of opium, it was rightly laid down that opium was not to be imported from countries not parties to the Convention, but there was no such provision regarding other drugs.

The time spent in drawing up the 1953 Protocol had not been wasted, since a useful interchange of views had taken place, but the fact that some of its provisions had proved unacceptable should be borne in mind in the drawing up of the present convention.

The Single Convention should be simple, flexible and acceptable to as many countries as possible, but at the same time it had to be effective.

Mr. MENEMENCIOGLU (Turkey) said that the objective of the Conference was to determine what control measures would be most effective and also acceptable to the countries which would have to carry them into effect. His delegation felt that the draft text before the Conference provided an excellent point of departure.

Despite the differences of viewpoint evidenced in the footnotes to the third draft and in the government comments thereon, he hoped that representatives would take a broad view and place the interests of mankind as a whole above all national and private interests. His delegation would continue to show a spirit of co-operation. Turkey had always shown such a spirit in its accession to the various conventions on narcotic drugs, and it had even brought some of its laws relating to opium into line with the 1953 Protocol although that protocol had not come into force. Furthermore, the Turkish police authorities responsible for the suppression of the illicit traffic in narcotics had always co-operated and would continue to co-operate

with international control organizations and with the appropriate national authorities.

Mr. ZOLLNER (Dahomey) said that, although his country was not a producer of narcotic drugs and had no illicit traffic, it wished to co-operate with other countries in solving their narcotics problems, and particularly with the other African countries south of the Sahara in protecting that area from such evils. The enforcement of strict control measures by some States might well lead to the appearance of an illicit traffic in countries, like his own, where it had been unknown in the past. His government welcomed the Single Convention, which would simplify control measures and so make them more effective. It was difficult to see how it could be interpreted as weakening any of the measures already in force.

The meeting rose at 11.55 a.m.

FOURTH PLENARY MEETING

Friday, 27 January 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

General statements (*continued*)

Mr. KOCH (Denmark) said that his government believed that no effort should be spared to ensure that natural and synthetic narcotic drugs were produced and used for strictly medical and scientific purposes only. In his own country, whose *per capita* consumption of medicaments was among the highest in the world, partly because of Denmark's highly developed social security system and the ease of access to medical facilities, the task was no easy one, but the small size of the country and the homogeneity of the population facilitated control and made it possible for the central health department to keep track of every prescription of narcotic drugs. The illicit traffic was virtually non-existent and drug addiction was not a serious social problem. There were very few cases of addiction and the Government had not had to consider abandoning its principle that the medical treatment of addicts should not be compulsory.

The Danish Government fully recognized the need for international co-operation in the control of narcotic drugs; it participated in the international control system and would continue to co-operate in the fight against the abuse of narcotics, not only in its own interests but as a contribution to the health and welfare of mankind.

Control measures necessarily involved restrictions on the trade in narcotic drugs, even when they were to be used for legitimate purposes, and the supply of certain drugs might have to be cut off completely. There

was an inevitable conflict between the need to protect human beings from the evils of narcotic substances and the advantages of their use in the fight against sickness and pain. It was thought in Denmark that the medical profession should have the widest possible freedom in the treatment of patients and the prescription of drugs. His government therefore believed that the Single Convention should attempt to keep a proper balance. Some of its provisions, such as those empowering the international organs to prohibit certain drugs and establish a mandatory embargo might unduly hamper medicine and science and deprive countries of drugs which they considered to be of essential therapeutic value. His government therefore urged that the particular safeguards to be adopted should be decided by each government; he urged that not on grounds of State sovereignty but in consideration of health interests in general. Provided that the legitimate use of drugs was not hampered, his delegation was, however, in favour of giving the control system sufficient elasticity to cover whatever dangerous drugs might be discovered in the future.

His government fully supported the view that the control system should be under the auspices of the United Nations, and also that the Convention should be drafted so as to be universally applicable and acceptable.

Mr. MOD (Hungary) said that his government had taken an active part in the codification of the international regulations on narcotic drugs and was anxious to make its contribution to the drafting of a Single Convention. To be effective, however, such a Convention should be open to all countries, and it was regrettable that the People's Republic of China, the world's largest country, the Mongolian People's Republic, the Korean Democratic People's Republic, the People's Republic of Viet-Nam and the German Democratic Republic had not been invited to the Conference. Political issues were undoubtedly out of place at a technical conference, but they had been raised by the failure to invite the countries he had mentioned. The exclusion of the countries concerned also raised a technical problem since some of them were important producers, manufacturers and exporters of narcotics.

Naturally, the parties would accept extensive obligations under the Single Convention; but true co-operation would not be achieved if it contained provisions which impaired the dignity or sovereignty of any State. The Conference should remember that, each State had evolved in its own peculiar way, and the Convention should not contain any regulations which did not serve its fundamental purposes. The Conference's work would be facilitated if it were based on earlier agreements which had been accepted by most States and at the same time took into account changing political and economic circumstances, as a result of which certain earlier regulations had become obsolete. The drafting and application of the Convention would be simplified if the text was brief and if the working out of some internal control measures was left to the States themselves.

His delegation looked upon the draft Convention as a basis for negotiations which would lead to the drafting of a suitable instrument for preventing the abuse of narcotics without impeding their use for medical purposes.

Mr. WARREN (Australia) said that the control of narcotic drugs presented a problem which could only be solved by international co-operation. The existing arrangements were highly developed and steadily improving, and the new proposals in the Single Convention, some of which were controversial, needed to be carefully examined with a view to preserving a climate of willing co-operation. For example, article 3 would give the proposed International Narcotics Commission the power to impose mandatory prohibitions on certain drugs, a provision regarding which the United Kingdom representative had expressed his government's concern. The Yugoslav and French representatives had also indicated that the provisions for the stringent control of poppy straw would not, in their view, be practicable. His own delegation had reservations concerning article 32, which gave a restrictive list of the countries permitted to produce and export opium and poppy straw; several of the countries mentioned were, in fact, neither exporters nor producers of those substances.

With regard to control measures in his own country, he said that control in Australia was somewhat complicated by the fact that domestic administration was largely in the hands of the individual state governments.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) said that the Single Convention should make every reasonable provision for the use of narcotic drugs for humanitarian and scientific purposes while containing adequate safeguards against the abuse of narcotics and the illicit traffic. It should also be universal; the Convention would be acceptable to all States only if the interests of all countries were respected. In drafting the Convention, the Conference should respect the right of peoples freely to dispose of their natural wealth and resources, which had been recognized in General Assembly resolution 1514 (XV). The adoption of a restrictive list of producing countries or the establishment of mandatory limitations on producing countries as to quantity and nomenclature would be an act of intervention in the domestic affairs of such States, an infringement of their sovereignty and a violation of their right to dispose of their economic resources. His delegation could not accept those provisions of the draft Convention.

His delegation was also unable to accept those provisions of the draft Convention which gave the Control Board excessive authority, the right to impose a mandatory embargo, the power to conduct inquiries in the territory of States Parties to the Convention, and the right to regulate the production and trade of countries not parties to the Convention. The Convention should be made acceptable to the greatest possible number of States. In that connexion, he pointed out that the absence of the German Democratic Republic, an important producer of narcotic drugs, would prejudice the work of the Conference, since the basis of an international narcotics control system was its universality.

Mr. TABIBI (Afghanistan) said that the convening of the Conference was a further important step taken by the United Nations in the legal and social fields. Over the past fifty years, nine separate conventions concerning the use and control of narcotic drugs had come into being, and the Single Convention would be a milestone in the field of the codification of international law. It would encourage nations to fulfil their obligations with regard to the positive control of narcotic drugs at the national and international levels, and would further improve the system of international control, which was already much more effective than that in force at the time of the League of Nations.

Afghanistan was a party to most of the previous conventions on narcotic drugs and for centuries had been a producer and exporter of opium. Afghanistan's interest in narcotic drugs had, however, always been humanitarian rather than commercial, and in 1957 the Government had banned the cultivation of opium. The Director of the Secretariat's Division of Narcotic Drugs had been invited to visit Afghanistan to study the problems of the former opium cultivators, and on the basis of his recommendations plans were being considered for the diversification of agriculture and for technical assistance to offset the economic losses incurred.

The Afghan Government had co-operated in submitting annual data to the appropriate United Nations organs and had assisted the Middle East Narcotics Survey Mission in its work. Similar missions to other parts of the world would assist in the struggle against illicit traffic and facilitate regional co-operation in that field. Afghanistan was also co-operating with its neighbour country, Iran, which had imposed a similar ban on the cultivation of the poppy. He expressed the hope that the neighbouring countries would co-operate with Afghanistan.

Mr. ECONOMOS-GOURAS (Greece) said that for many decades his country had had a highly centralized national system for strict control over the import, processing and use of narcotic drugs, and had achieved most satisfactory results. Particular importance should be given to the problem of heroin; in his delegation's view the use of heroin even for therapeutic purposes should be prohibited in all countries. The World Health Organization's Expert Committee on Addiction-producing Drugs, after careful study, had reached the conclusion that heroin could be adequately replaced in the medical field by less dangerous narcotic preparations. The use of heroin had been prohibited in Greece since 1926, when all the stocks of heroin in the country had been destroyed, and he hoped that the five or six countries which had not yet prohibited the use of heroin would soon do so.

His delegation looked forward to the adoption of a convention which would be acceptable to all countries and, at the same time, effective in curbing and ultimately eradicating the medically unauthorized use of drugs.

Mr. GRINBERG (Bulgaria) said that the competent authorities in Bulgaria had not previously had an oppor-

tunity to state their views on the third draft of the Single Convention. His country, which was a producer of narcotic drugs, was in favour of the consolidation of previous international agreements in a Single Convention. Although drug addiction had never been a social problem in Bulgaria, every step towards the elimination of that social evil was regarded by his government as having great humanitarian importance.

While generally welcoming the draft Convention as a serious attempt to simplify the international control system and to make it more flexible, his delegation had serious reservations with regard to certain provisions. The principle of universality was essential to the Convention, since drug addiction could not be contained by national boundaries. His delegation accordingly regretted that the true representatives of the Chinese people, and the German Democratic Republic, the Democratic Republic of Viet-Nam, the Democratic People's Republic of Korea and the People's Republic of Mongolia, had not been invited to participate in the Conference. Similarly, his delegation opposed article 48 of the Convention in so far as it would prevent the accession of some countries to the Convention.

Furthermore, he opposed the idea that the functions of the future Control Board should include such far-reaching prerogatives as for instance the right to impose mandatory embargoes; the failure of the 1953 Protocol had proved that most States were unwilling to submit to substantial infringements of their sovereignty. It was important that the provisions of the Convention should be practicable and should be acceptable to all interested countries.

With regard to cannabis control, he said that Bulgaria, like many other European countries, cultivated hemp for industrial purposes, but the variety of hemp grown did not contain any active addiction-producing substances. His delegation therefore regretted that the draft did not contain any provision to allow the continued cultivation of hemp, despite its economic importance to many countries. In addition, as had been pointed out by previous speakers, the measures relating to poppy straw were impracticable.

Mr. WIRJOPRANOTO (Indonesia) said that one of the Indonesian Government's first decisions, after the establishment of the Republic, had been to put a stop to the production of opium and to prohibit opium smoking. His government had also demonstrated its eagerness to co-operate in international narcotics control by acceding to the 1953 Protocol.

A Single Convention was needed to modernize and simplify the existing international control system, because scientific knowledge and practical experience in narcotics control had outdistanced existing international agreements. While the Conference, under its limited terms of reference, could not deal with the social conditions that were the fundamental cause of drug addiction, it could curtail the opportunities for the development of addiction by increasing the effectiveness of the international control system.

His delegation was in general agreement with the draft submitted, but wished to emphasize that the

Single Convention should be open to any State that wished to become a party to it, since the co-operation of all countries producing and manufacturing narcotics in sizeable quantities was essential to its success. In that connexion, he regretted that the People's Republic of China was not represented at the Conference.

Indonesia maintained a very strict control of narcotic drugs; the Government had recently vested the right to import and distribute narcotic drugs in a single state institution, thereby substantially eliminating the danger of illicit traffic, and the cultivation of the coca bush had been restricted to controlled areas.

The Indonesian Government, considering that the Convention deserved the widest possible support and recognizing that the more stringent provisions of the draft might deter some States from acceding, thought that reservations to the Convention should be admissible within reasonable limits. Furthermore, since many economically less developed and newly independent countries lacked the technological and administrative staff, facilities and money needed to develop effective national programmes of narcotics control, his government hoped that United Nations technical assistance to national control programmes would be expanded. Consideration should also be given to the dangers inherent in the increasing manufacture of synthetic drugs in the more industrialized countries.

He hoped that, after the Single Convention had been approved, the international community would turn its attention to removing the social conditions which were the fundamental cause of the narcotics problem.

Mr. WEI (China) said that the narcotics situation left no room for complacency. Drug addiction still constituted a serious threat to health and social progress and a heavy financial burden. The forces spreading addiction were still formidable. For humanitarian reasons, every State should be willing to make greater sacrifices of national sovereignty and to co-operate more closely with others in preventing the abuse of narcotics.

China had a special interest in narcotics control. The Chinese people, more than any other, had experienced the tragic consequences of drug addiction. For over a century the Government of China had sought to eliminate opium smoking and to prevent poppy cultivation; in modern times, its national control organs were among the most effective in the world, and the punishment of addicts and illicit traffickers was more severe than treaty obligations required. China had taken part in the work of the international conferences on opium, and its representatives had served on the Permanent Central Opium Board and the Commission on Narcotic Drugs for many years.

His delegation considered that a good foundation had already been laid for an international control system. Steady progress had been made towards the goal of limiting the use of narcotic drugs to medical and scientific purposes. A procedure had been established whereby any new narcotic drug, whether natural or synthetic, could be placed under international control. It was also gratifying to note that no appreciable quantities of narcotic drugs were being diverted

from the licit drug trade into illicit channels. Furthermore, although the 1953 Protocol was not yet in force, all the opium-producing countries had control systems which more or less satisfied the standards set by the Protocol.

His delegation thought that the Single Convention should incorporate those provisions which had worked well in the past, and should change those which had proved ineffective or inadequate. It should be a more effective instrument for the control of narcotic drugs than existing agreements; it should be flexible enough to be capable of adjustment to rapid scientific and technological developments; and it should include a programme for the control of the agricultural raw materials which were the main sources of the illicit traffic.

Commenting on the statement of the USSR representative at the third plenary meeting, he pointed out that the Economic and Social Council had been authorized to invite any States and agencies it chose to take part in the Conference. His government was the only legitimate government of China, and was recognized as such by the vast majority of States Members of the United Nations.

Mrs. AMPARO DE ARENAS (Guatemala) said that her government attached great importance to the establishment of mandatory international regulations through a Single Convention. Although there might be differences of opinion regarding form, her delegation was convinced that all countries would support the substantive proposals for the prevention of the abuse of narcotic drugs and the illicit traffic. She hoped that the Conference would draft and adopt an effective and realistic convention which could be accepted by as many countries as possible.

Progress in the control of narcotic drugs would only be made if the international and humanitarian aspects of the problem were given precedence over national interests. The institution of production control was bound to create problems for countries in which the production of narcotics had long been a source of income. Her delegation urged that technical and economic assistance should be given, on request, to underdeveloped countries whose economies were directly affected by their co-operation in the control of the production of and illicit traffic in narcotics or whose attempts to suppress ancient customs met with strong resistance.

No country was safe from the narcotics problem, and a strict international control of production and of the illicit traffic was therefore essential. Guatemala would co-operate fully in maintaining such strict control.

Mr. COMAY (Israel) said that the production and consumption of narcotics were not a serious problem in his country. The preparation, manufacture and possession of narcotic drugs were prohibited, and the use of certain preparations for medicinal and scientific purposes was strictly regulated. No plants were cultivated for drug extraction, and, although the number of addicts was not large, great efforts were made to solve their problems.

Because of its geographic position between countries which were substantial producers of narcotics and countries where the consumption of narcotics was large and addiction wide-spread, Israel had to deal with a constant flow of illicit traffic across its territory. The Israel police force had seized hundreds of kilogrammes of opium and hashish year after year; one traditional smuggling route had been effectively sealed off. Much better results could, however, be obtained if Israel could secure the co-operation of the authorities in the neighbouring countries. Unfortunately, as the Middle East Narcotics Survey Mission had pointed out in its report of November 1959, there was no co-operation whatever between enforcement authorities with respect to the large-scale illicit traffic from Jordan to the United Arab Republic via Israel. The reason for that situation was purely one-sided, and was connected with the economic boycott practised by the League of Arab States against Israel. Israel had repeatedly offered its co-operation to its neighbours, both at meetings of the Commission on Narcotic Drugs and through Interpol. That offer still stood.

The Single Convention should be so formulated as to gain the widest possible acceptance since its success would depend on the voluntary co-operation of the governments concerned. The stringent enforcement measures contemplated, such as the proposed mandatory embargo, might well go beyond what some governments would be willing to accept. Furthermore, control measures should be flexible enough to take account of the special aspects of individual narcotic substances, as well as the continued impact of research. In general, his government approved the draft Convention.

Mr. CERNIK (Czechoslovakia) said that the fact that the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the Mongolian People's Republic had not been invited to take part in the Conference and that the People's Republic of China was not legitimately represented would be detrimental to its work. The principle of the equality of States had been infringed, and Article 1 (3) of the Charter concerning international co-operation in solving international problems of an economic, social, cultural or humanitarian character had been ignored. The Conference should see that all countries were, at least, given the opportunity to become parties to the Convention. Unfortunately, under the procedure for acceptance provided in article 48 of the draft Convention, some States might be prevented from acceding to the Convention.

His delegation believed that the Convention should deal with the question of control in general terms only, and that specific measures and the establishment of control should be regulated by the individual States. In examining articles 27, 28 and 31 of the draft Convention, the Conference should bear in mind that in a number of countries plants which could be used for the production of narcotic drugs were cultivated for the industrial production of consumer goods. In such cases control of the cultivation of the plant was impracticable.

Drug addiction was a social problem and could not be fought solely by medical means. Unless the medical treatment, rehabilitation and care in closed institutions mentioned in article 47 were preceded by preventive care based on educational, cultural and economic measures, the elimination of drug addiction would be long delayed. The Single Convention should reflect the fact that measures to raise the living level of the population, ensure the right to work and recreation after work, and to provide security in sickness and old age, general medical treatment and public health education were essential to the effective elimination of drug addiction.

Mr. MOON (Republic of Korea) said that his government found the third draft of the Single Convention satisfactory as a whole but hoped that the Conference would reconsider a number of provisions which conflicted with Korean law. His government, deeply concerned by the increase in the illicit drug traffic in its area, had acceded to the Opium Protocol of 1953 and had enacted the Narcotic Drug Law of 1957, under which stringent measures were being taken to control the traffic in and use of narcotic drugs.

He protested at the statements made by some representatives regarding the representation of certain countries, including his own. In resolution 689 J (XXVI) the Economic and Social Council had requested the Secretary-General to invite all States Members of the United Nations and members of the specialized agencies. As his country was a member of most of the specialized agencies, it had a good claim to be represented. Furthermore, his government was the only legitimate government of Korea and it spoke for the Korean people. It was regrettable that the Conference, which should be working in a spirit of co-operation to carry out its task, was wasting its time on questions of representation.

Mr. MACHOWSKI (Poland) said that his country was only a minor consumer of narcotic drugs and had no addiction problem because of its very effective narcotics laws, under which the health authorities were responsible for all matters connected with narcotic drugs. In practice, such drugs were administered and supplied only by doctors and pharmacists under state supervision and control. The high level of professional ethics in the medical profession and the severe penalties for infringement of the law had combined to eliminate the non-medical use of narcotics in Poland. His country had always been aware of its responsibilities in the field of international control; one of its first acts after achieving independence at the end of the First World War had been to accede to the 1912 and 1914 Conventions and, besides enacting domestic legislation, it had participated in the elaboration of more recent international instruments. It had also been one of the first countries to prohibit the use of heroin and drugs manufactured from imported cannabis. The cannabis grown in Poland had no narcotic properties.

Experience had shown that success in the field of narcotics control depended, first and foremost, upon the goodwill and co-operation of States. It would therefore be both inappropriate and futile to attempt to include

in the Single Convention any provisions tending to replace voluntary co-operation by compulsory measures. The control organs functioning under the Convention should concentrate on the co-ordination and encouragement of national control measures, one of their major activities being the dissemination and exchange of information and experience.

His delegation had grave objections to articles 32 and 37 of the third draft, which restricted the number of States entitled to export certain drugs. Such provisions were incompatible with the principle of the equality of States and with every State's sovereignty over its natural resources. His delegation would propose amendments to those articles.

As several delegations had stressed, to be effective, the control of narcotic drugs had to be world-wide; it followed therefore that the Convention should satisfy the criterion of universal acceptability. The first condition for the universal acceptability of the Convention was universal representation at the Conference, but that had not been achieved. As a result of the discriminatory procedure that had been adopted with regard to invitations, the People's Republic of China, the Democratic People's Republics of Korea and Viet-Nam, the People's Republic of Mongolia and the Democratic Republic of Germany were not represented. As those countries were important producers and consumers of natural and synthetic drugs, their absence would inevitably be prejudicial to the work of the Conference.

The second condition for universal acceptability was that no State should be deprived of the right to become a party to the Convention, but the draft did not fulfil that condition. Article 48 would have to be amended to ensure that the Convention would be open for signature by all countries.

His delegation categorically rejected the statement made at the third plenary meeting by the representative of the Federal Republic of Germany, who had denied the sovereign rights of the Democratic German Republic and claimed to represent the whole of Germany. Such a statement was particularly inappropriate when coming from the representative of a government that was mentioned in the *Estimated World Requirements of Narcotic Drugs for 1961* as not having carried out its obligations under the 1948 Protocol. The Democratic German Republic, on the other hand, was mentioned as having done so. There could be no question that that country was exercising its sovereign rights. Its declaration of accession to the international narcotics treaties of 1912, 1925 and 1931 had been transmitted to the appropriate quarters through the diplomatic channel, with the result that, under article 21 of the 1931 Convention, it had been invited to submit annual reports on narcotic drugs, which it was doing regularly.

Mr. ANDRIAMAHARO (Madagascar) said that his government wished to become a party to the Convention, not because drug addiction was a major problem in Madagascar, but because it realized the need for international co-operation. By becoming a party to the Convention, it hoped to protect its people from any future danger of drug addiction and help other

countries to solve their narcotics problems. However, he was a little apprehensive about the Conference's chances of success. In spite of international efforts over fifty years and the adoption of many international instruments relating to narcotic drugs, the illicit traffic was still going on. Furthermore, the countries which were reluctant to accede to the Geneva Convention of 1936 or had reservations regarding it were still of the same mind.

The third draft was excellent and with some minor changes should be generally acceptable. Like the French representative, he thought that all proposals to amend the draft should be aimed at either simplifying or improving the present system. The work of the Conference would be facilitated if the Convention was not so framed that it would automatically supersede all existing narcotics treaties. Article 51 might be amended in such a way that some earlier instruments would remain in being. His delegation also had some proposals to make about schedules I and II.

Mr. BARONA (Mexico) said that if the Single Convention was to be universally acceptable, all delegations had to agree on certain principles. The general principles of international law recognized by civilized nations should be respected; there should be no violation or infringement of the sovereignty of States; each country should be responsible for control within its borders; international control procedures should be simplified, although not to the point of weakening the present system; effective international co-operation should be achieved; offences should be defined so that the ring-leaders of the drug traffic as well as the distributors and middlemen could be brought to justice; lastly, because the problem was world wide, its solution had to be world wide also; and the Convention, therefore, should be universally acceptable.

The draft contained one very promising provision, relating to the addition of new substances to the various Schedules by a decision of the control organs and without the need for a new agreement. His delegation welcomed the new departure in principle, but had not yet had time to consider what risks or disadvantages, if any, it might involve.

Since 1947 or even earlier, the Mexican Government had been taking strong and continuing measures to prohibit the cultivation of the opium poppy and cannabis and to prevent the transit of illicit drugs through Mexican territory. Severe penalties for narcotics offences were laid down in the Federal Penal Code, which prohibited bail or release on parole in such cases. The legitimate trade in narcotic drugs was strictly controlled under the Health Code. Preventive measures, including air reconnaissance of areas where the opium poppy or marijuana might be grown and strict police supervision of those and frontier areas, had been greatly improved. The consumption of such drugs as morphine, heroin, cocaine and of pharmaceutical products based on them was very low in Mexico and the percentage of drug addicts was very small. The Mexican Government was also determined to play its part in the international control of narcotics.

There were some differences of opinion regarding certain provisions of the draft Convention but they were to be welcomed, as discussion would give delegations an idea of each other's problems.

Mr. QUINTERO (Philippines) said that the cultivation of plants yielding narcotics was not a problem in the Philippines. In order to co-operate with international efforts for the control of narcotics, the Philippine Government had banned the cultivation of the opium poppy and cannabis and there was a bill before the Philippine parliament to ban the cultivation of the coca bush and the production of heroin.

The greatest narcotics problem in the Philippines was the illicit traffic in opium, which was smuggled in from the mainland of China via Hong Kong and North Borneo. Thanks to the efforts of the United Kingdom and Philippine delegations to the United Nations Opium Conference, the 1953 Protocol contained a territorial application clause (article 20) which would be helpful in controlling the illicit traffic, but the Protocol had not yet come into force. He welcomed the fact that its provisions had been included in the draft of the Single Convention. The draft was a satisfactory piece of work, on which its authors were to be congratulated. Some articles could be improved, but he trusted that it would command unanimous support.

The meeting rose at 12.50 p.m.

FIFTH PLENARY MEETING

Friday, 27 January 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

General statements (concluded)

Mr. JOURY (Jordan), exercising his right of reply, said he wished to reply to the allegations made by Israel concerning the illicit traffic in the Arab countries. Jordan was taking the strictest measures to curb such traffic, in close co-operation with the League of Arab States and the United Nations bodies concerned, which alone were competent to deal with the matter. It was true that Jordan did not collaborate with Israel; its position in that respect was well known. He hoped that the Conference would succeed in carrying out the task assigned to it.

Dr. HALBACH (World Health Organization) said that he was glad to be able to take part in a conference completing a task in which WHO had been collaborating ever since its inception on the basis of a number of international conventions. WHO's observations on the draft text stemmed from the experience it had acquired during the past twelve years of common endeavour, as also from the experience of the Health Committee of the League of Nations. They were based on the need to protect the community from the risks inherent in the growing use of narcotic drugs. The criterion of "risk to the community" was essential in determin-

ing how far control was to extend, as the World Health Assembly and the Executive Board of WHO had confirmed in approving those observations. Whenever WHO was called upon to advise on the control of new narcotic drugs or on the problems posed by their therapeutic application and possible abuse, on research into new anaesthetics or on the treatment of addicts, it took the safety of the public as its sole guiding principle. He was at the disposal of the Conference for any clarifications that might be desired concerning the technical role of his organization under existing agreements or the new convention.

Mr. KUNTOH (Ghana) said that the new convention would not be effective unless all countries acceded to it. Although Ghana was not a producer of narcotic drugs, it appreciated the dangers inherent in the illicit traffic. Effective control would unquestionably be of great benefit to mankind. Nevertheless, only the general principles on which it was to be based should be codified, the parties being left free to decide upon control procedures which would be in conformity with their own legislation. He was ready to co-operate to the fullest extent in working out a system which would make it possible to improve the control and use of narcotic drugs, and protect mankind from serious dangers.

The PRESIDENT declared the general debate closed.

Adoption of the rules of procedure (E/CONF.34/2; E/CONF.34/L.1) (resumed from the 1st plenary meeting)

The PRESIDENT suggested that the Conference should adopt those parts of the rules of procedure which had been provisionally approved and drew attention to the Indian amendment to rule 38, paragraph 1 (E/CONF.34/L.1).

Mr. BANERJI (India) explained that the amendment was intended to give greater precision to the rule, which did not define matters of substance. It would be preferable to state that decisions on all matters other than procedural ones should be taken by a two-thirds majority.

The PRESIDENT thought that perhaps it was not necessary to change the wording of the rule, since the words "matters of substance" would be understood to cover everything other than procedural matters.

The parts of the rules of procedure which had been approved provisionally at the 1st plenary meeting were adopted.

Consideration of the Single Convention on Narcotics Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2)

Article 2 (Substances under control)

Article 3 (Changes in the scope of control)

Mr. CURRAN (Canada), directing his remarks to article 2 only, thought first of all that there should be a more exact indication as to which provisions of the Convention were applicable to the various narcotic drugs shown in each schedule.

Secondly preparations which were exempt from international control were in Canada subject to the same control as the drugs covered by international control, and it was to be feared that certain manufacturers might seek to take advantage of the exempting provisions of the Convention as a means of arguing that there should be no national control. It should therefore be made clear that acceptance of the clauses relative to exemptions from international control would not be construed as weakening national regulations.

Finally, the total prohibition referred to in article 2, paragraph 1 (e), relating to the narcotic drugs shown in schedule IV, might well be regarded by the medical profession as constituting unwarranted interference in the practice of medicine and a reflection on the competence of the medical profession to use drugs in accordance with their therapeutic value. The words "small amounts" for medical research were in any case too vague. It would be preferable to say "such amounts as may be necessary for research only..." Furthermore, it appeared that many countries were also in favour of a recommendation rather than a mandatory provision. It was to be hoped that the Conference would arrive at a formula acceptable to all which would not oblige Canada to reject even a recommendation of the Commission or, if it accepted it, would not place it in a difficult position vis-à-vis the Canadian medical profession.

Mr. WARREN (Australia) said that his Government regarded as particularly dangerous the clause in article 3, paragraph 3, which authorized the Commission to place a new substance in schedule IV if it considered that its ill effects were not offset by substantial therapeutic advantages. Australia had completely prohibited the import and export of heroin, cannabis and ketobemidone, which were not produced or manufactured in Australia. For the Australian Government, therefore, it was simply a question of principle: every State should be free to decide, in the light of the views of its medical profession, whether a particular substance should be completely prohibited. The provisions of articles 2 and 3 infringed that right. Admittedly, certain narcotic drugs should be completely prohibited; but the prohibition should be the subject of a recommendation only, as in the case of the existing agreements.

Mr. DANNER (Federal Republic of Germany) said that he, too, could not approve the provisions of article 2, paragraph 1 (e). If physicians used a substance despite the fact that it could produce harmful effects, a government should not prohibit its therapeutic application.

Article 2, paragraph 5, stated that the schedules were to form an integral part of the Convention. That would mean that any change in the schedules would constitute an amendment to the text of the Convention as ratified by the legislative organs of the Federal Republic. The latter would then be obliged to enact new legislation to that effect, which might entail prolonged delays. It would be preferable to retain the procedure

for the inclusion of new substances provided in the 1948 Protocol.

Mr. GREEN (United Kingdom) agreed that article 2 should indicate more clearly which provisions applied to each narcotic drug. As far as paragraph 1 (e) was concerned, it would be difficult, or even impossible, for his government to agree to a convention which included a clause absolutely prohibiting certain drugs on the basis of a decision by an international body. Experience had shown that certain countries were entirely justified in refusing to accept such a provision; in any event it was unnecessary, since the Commission could always make recommendations. Nevertheless, in view of the importance attached by some participants to that clause, and in an endeavour to meet their view, the United Kingdom delegation would support a solution which was generally acceptable such as, for example, the inclusion of a recommendation only.

Mr. KENNEDY (New Zealand) entirely shared the views of the United Kingdom representative. He considered that article 2, paragraph 1(e), should take the form of a simple recommendation. It would be a mistake to give an international body the power to prohibit. It was for the government of each country to decide the question, after consulting the competent bodies and the medical profession.

In accordance with the resolution adopted in 1954 by the World Health Assembly, New Zealand had prohibited the import and export of heroin, but not its use for medical purposes, particularly in cases of certain forms of cancer and in gynaecology.

No cases of addiction due to heroin had been reported in New Zealand; it was in fact very little used. There was therefore no need to prohibit it completely.

Mr. TILAK RAJ (India) agreed to article 2 in principle. Paragraph 1(e) authorized small quantities of the drugs listed in schedule IV for scientific and clinical research purposes, and the prohibition of such highly dangerous drugs would not therefore impede the progress of science.

A number of countries, including India, had already prohibited the manufacture of, trade in, and use of heroin. According to current knowledge, the therapeutic properties of the substances enumerated in schedule IV did not outweigh their dangers. If future research led to some other conclusion, there was suitable provision in the convention to the effect that the substances in question could always be deleted from schedule IV.

The statistics published by the Permanent Central Opium Board showed that world production of heroin and ketobemidone was small and their consumption was in decline. If licit production of even small quantities was recognized, the dangers of diversion of these drugs into illicit channels would be greatly enhanced. Nevertheless, there should be sufficient safeguards of legitimate medical interests written into the convention.

India produced and consumed some cannabis drugs, but if the Conference decided to retain cannabis products in schedule IV, the Indian delegation would refrain, in the general interest of agreement, from raising any objections.

Dr. MABILEAU (France), referring to article 2, paragraph 1(e), said he could see no objection to schedule IV, which would enable the most dangerous narcotic drugs to be listed. The therapeutic drugs included other substances which possessed similar advantages and had not the same disadvantages. Ever since its tenth session the Commission on Narcotic Drugs had stressed the desirability of drawing up a list of new natural and synthetic drugs whose dangerous properties were not counterbalanced by their therapeutic advantages, and the French Government realized that the use of the most dangerous substances should be condemned.

In the past, however, some countries had taken prohibition measures on the advice of international experts, but had been obliged to reverse their decisions at the request of leading members of the national medical corps. Accordingly, it would be desirable to formulate an international recommendation, without going so far as actual prohibition, and taking into account the opinion of the medical profession in every case.

Mr. RODIONOV (Union of Soviet Socialist Republics) said he had no objection in principle to the division of narcotics into four schedules.

The use of the narcotics listed in schedule IV was absolutely prohibited in the Soviet Union, even for medical purposes. In order that the Convention might be generally accepted, and to avoid any constitutional difficulty at the time of its adoption, the prohibition should take the form of a recommendation only. In the last analysis countries themselves must decide; the effectiveness of control would depend primarily on the scrupulous observance of the provisions of the national law.

With regard to paragraph 1, he said the words "except as otherwise provided" at the end of sub-paragraphs (b) and (d) were too vague. The control measures should be defined either in footnotes or by reference to the relevant parts of the Convention.

The phrase "for other than medical or scientific purposes" in paragraph 4 was also too vague, and there again the drafting should be improved.

Mr. KUNTOH (Ghana) considered that article 2, paragraph 1(e), should be a mere recommendation.

Mr. MENEMENCIOGLU (Turkey) did not share the apprehensions expressed by certain delegations with regard to article 2, paragraph 1(e). The substances listed in schedule IV had not come into use only recently; experience with a number of patients over a long period had shown that they were undoubtedly dangerous. There would be no question of including a drug in schedule IV as soon as it appeared.

With regard to national sovereignty, he said that all countries would have to agree to make certain con-

cessions in that connexion if any international control was to be established.

The schedules formed an integral part of the Convention and the procedure laid down for the amendment of schedule IV was the same as that for all the other articles. There was no need for any particular anxiety on that subject.

Paragraph 1(e) was not intended to hamper medical and scientific research, to which there was an express reference, but to obviate the widespread administration of medicaments whose value had not been proved. That was amply justifiable from the humanitarian point of view.

Article 2 was fully in keeping with the principle followed in the past that national or private interests should be subordinated to those of the health of mankind.

Mr. VERTES (Hungary) was opposed to article 2, paragraph 2, which provided for unduly strict control measures and took no account of the purposes for which the plants in question were cultivated or used.

Mr. AYARI (Tunisia) considered that article 2, paragraph 3, should provide for stricter control. With regard to paragraph 1(e), while it would be better to make it a recommendation, his delegation hoped that States would take steps at the national level to prohibit the substances in question.

Mr. HOLZ (Venezuela) said that the health authorities in his country had prohibited the use of heroin and ketobemidone, which they considered very dangerous, but he thought that a recommendation in the Convention would be enough.

Mr. NICOLIC (Yugoslavia) agreed with the representatives of the United Kingdom and the USSR that article 2 might be improved. For the sake of compromise, the Yugoslav Government would agree that paragraph 1(e) should be in the form of a recommendation, although in Yugoslavia the use of heroin had been prohibited for many years.

On the question of poppy straw, he agreed with the Hungarian representative that the provisions of article 2, paragraph 2, should be revised.

"Poppy paste", which required very strict control because of its high morphine content, should be listed in the schedule.

Mr. FRANZI (Italy) confirmed his government's views on article 2, as given in its comments (E/CONF.34/1), and was pleased to see that they were shared by other delegations.

Mr. KRUYSSSE (Netherlands), referring to his Government's comments, said that it would be very difficult for him to accept article 2, paragraph 1(e). The proposed prohibition had no precedent in international instruments on narcotic drugs. The United Nations and the Economic and Social Council had made recommendations in that sense, as a result of which the Netherlands had tightened its control measures, and the existing national and international regulation of the most dangerous narcotic drugs seemed strict enough to pre-

vent abuses. It would be unfortunate if a complete prohibition were to prevent doctors from prescribing medicaments which might be effective. If still stricter measures seemed to be necessary, that was a matter for States to decide. In any case, such a prohibition could not abolish the illicit traffic, which was the real enemy. The Netherlands Government was in favour of a recommendation accompanied by information on the dangers of the substances concerned and on the most suitable ways to ensure the strictest control of them.

Commenting on article 2, paragraph 1 (a), he recalled that the 1931 Convention classified substances which were not narcotic drugs but were convertible into narcotic drugs in a special sub-group I(b); codeine and ethylmorphine made up group II, since they were very widely used substances to which less strict rules had to be applied. Later, since both substances had slight addictive properties, group II had been amended to include those substances whose addictive properties did not exceed those of codeine.

For the purposes of the Single Convention, however, it would be better to revert to the original idea of putting convertible substances into a special group. Paragraph 1(a) did not provide for that. Only paragraph 3 could be considered to refer to such substance, but the proposed measures of supervision fell far short of the measures of control applicable under the 1931 Convention and the 1948 Protocol.

The Netherlands delegation therefore proposed that there should be a special category for substances easily convertible into any of the narcotic drugs listed in schedules I and II.

Proceeding, he compared the provisions of article 2, paragraph 1(d) (paragraph reference 38) with those of paragraph reference 417, both of which concerned the preparations listed in schedule III. Since the words "international control" in paragraph reference 417 might be confusing, that paragraph should repeat the words "exempt from the provisions of this convention" used in article 2.

Throughout the Convention, the English word "drugs" had been translated into French as *stupéfiants*. He understood that the word *stupéfiants* had a more limited meaning than *drogues* and corresponded rather to the English term "narcotic drugs", which was also more limited than "drugs". The Netherlands delegation proposed that the word *stupéfiants* in the French version of the draft Convention should be replaced by *drogues*, and that it should be pointed out to the Drafting Committee that the word "drugs" had been translated by *stupéfiants*, although in the 1925 and 1931 Conventions and the 1948 Protocol the French word had been *drogues*. It would be dangerous to introduce a new term into one of the official versions of the Single Convention for an idea which traditionally covered a larger group of substances.

The Yugoslav representative had referred to "poppy paste". The use of that substance seemed to be growing fairly rapidly and deserved attention. Its inclusion in schedule I, together with opium, might be considered,

since it was a derivative of the opium poppy and contained all the main alkaloids of opium.

Mr. KOCH (Denmark) objected to the provisions of article 2, paragraph 1(e). It was possible that Denmark might find it necessary to prohibit the substances concerned; Danish law already provided for the control of certain substances which were not internationally controlled. The Convention should establish minimum requirements only, and should not preclude any party from taking stricter measures if a party deems it feasible.

He agreed with the representative of the USSR that the provisions of article 2 were not clear and that its wording should be completely revised.

Mr. MENEMENCIOGLU (Turkey) hoped that the *ad hoc* committee on definitions would be set up as soon as possible. The exact significance of article 2 could not be judged until the precise meaning of several terms used in it was known.

The CHAIRMAN thought that the *ad hoc* committee which was to deal with articles 2 and 3 might consider also the definitions of the terms used in those articles. He asked the Conference whether that procedure was acceptable.

Mr. MENEMENCIOGLU (Turkey) said that he found it acceptable on condition that the definitions were available to the Conference when it considered articles 2 and 3.

The CHAIRMAN said that the *ad hoc* committee could report on the definitions and on the provisions of the two articles at one and the same time.

Mr. LIANG (China) said that his government had particular respect for recommendations on narcotic drugs made by international bodies, especially WHO. Since the 1931 Convention had recommended that the use of heroin for medical purposes should cease, China had prohibited its use as far back as 1932. Yet he agreed with the representatives of Canada and the United Kingdom that article 2, paragraph 1(e), should be in the form of a simple recommendation and that Governments should be left to take any decisions they thought fit.

The meeting rose at 4.45 p.m.

SIXTH PLENARY MEETING

Monday, 30 January 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2) (continued)

Mr. BITTENCOURT (Brazil), speaking on a point of order, said that item (m) of document E/CONF.34/C.1/L.1 did not deal in a very precise way with the question of the preamble. The preamble of any treaty

or convention was an important part of it and in the case of the Single Convention still more so, because it was going to consolidate and bring up to date the provisions of nine existing multilateral instruments of unquestionable importance, and so he felt that there should be a preamble. A preamble was not a mere formal introduction, but rather dealt with the substance of a treaty; it was a statement of purposes and a justification of the aims of the negotiation; and, because it helped to understand the intentions of negotiators, it had a juridical force for the purposes of interpretation. He proposed that the drafting committee should be instructed to prepare a preamble.

The PRESIDENT said that he was under the impression that the Secretariat intended to submit a draft preamble in due course, but he could see no objection to the drafting committee's being asked to prepare one. A decision on the subject would be taken later; in the meantime, he suggested that the consideration of articles 2 and 3 should be continued.

Article 2 (Substances under control)

Article 3 (Changes in the scope of control)

U Ba SEIN (Burma), referring to article 2, paragraph 1 (e), said that in his country cannabis continued to be used for medical purposes. It was, for example, administered to elephants used for the transport of timber. The prohibition of cannabis in Burma would be a severe blow to the timber industry.

He considered that paragraph 1 (e) should take the form of a recommendation which would allow governments complete freedom of action. His delegation shared the view that the provisions of the sub-paragraph in question should be amended if they were to be generally accepted.

Mr. AZARAKSH (Iran) said that in his country there was no manufacture of narcotic drugs. The import and distribution of such drugs were a monopoly of the Department of Health, which decided, in consultation with the technical committees, what narcotic drugs should be used for exclusively medical purposes. No cases of addiction due to synthetic drugs had been reported in Iran. The use of heroin and ketobemidone, even for medical purposes, was prohibited.

Article 2, paragraph 1 (e), and article 3 would have to be amended, but in any case complete prohibition would benefit world health. In the past, opium had been recommended as a universal panacea, but it had since been realized that opium would not cure every malady. Unhappily, all countries were not at the same level medically and scientifically speaking. Furthermore, the pharmaceutical industry was not unaffected by profit motives. It was fortunate that the manufacturing countries possessed all the necessary legislative, medical and social means to protect the health of their people, but those means were lacking in many consuming countries.

Accordingly, he thought that an international body should be empowered, in the name of humanity, to prohibit foreign trade in the dangerous substances

listed in schedule IV and in that way protect the countries which did not possess research centres. WHO should be entitled to prohibit the export of narcotic drugs and, through the Commission on Narcotic Drugs, to draw up recommendations concerning the trade in and the use of harmful substances.

One or the other of the paragraphs in question should be amended, but WHO should be consulted first, as the question was a medical one.

Mr. GREGORIADES (Greece), referring to article 2, paragraphs 1 and 2, said that in his opinion schedule IV, which included narcotic drugs such as heroin and ketobemidone, should be retained. The use of those two substances should be prohibited, but governments should merely be recommended to do so. Experience had shown that governments did pay attention to the provisions of international instruments.

Mr. BITTENCOURT (Brazil) said that he was in general agreement with articles 2 and 3. He saw no objection to the lists in schedules I, II, III and IV. Strict measures of control should undoubtedly be taken in order to prevent those dangerous substances from going into the channels of illicit traffic.

With regard to article 2, paragraph 1 (e), he said his government proposed an addendum limiting the scope of the phrase "small amounts for medical and scientific research, including controlled experiments". The special national administration recommended in article 25 should be empowered to control even the small amounts required for such purposes. That would accomplish a double purpose: (1) ensure that the necessary quantities for medical and scientific research would be adequately provided to permit and encourage clinical experiments; and (2) prevent the risk that quantities of such substances might be diverted to the illicit traffic. For the purpose of the amendment of the future schedules I, II, III and IV, which were to form an integral part of the Convention, it would be better that a more flexible wording for paragraph 5 be found in order to avoid difficulties with the legislative bodies of the parties that would have to ratify the said amendments.

Mr. CERNIK (Czechoslovakia) considered that article 3, paragraph 3, should be amended. The Commission was not sufficiently qualified to amend the schedules; only physicians, specifically WHO, could decide whether the ill-effects of dangerous substances were offset by their therapeutic advantages. Hence, article 3 should speak of "decision" of WHO rather than of "consultations". Moreover, the position of Governments should be taken into consideration. The Czechoslovak delegation, like others, thought that the Convention should not preclude countries from introducing such control measures as they considered necessary at the national level. For example, psychotomimetics and sulphates of amphetamine were subject to control in Czechoslovakia although they were not included in any of the schedules in the draft Convention.

Mr. ANSLINGER (United States of America) said that the words "synthetic and other" in article 2, para-

graph 3, were superfluous, since the term "drugs" covered synthetic substances.

As far as schedule IV was concerned, he said the use of heroin and ketobemidone was prohibited in the United States, except for medical and scientific purposes, and was under government control. While he considered that the use of the substances included in schedule IV should be prohibited, he would, in a spirit of co-operation, vote in favour of a recommendation, as that would induce more countries to sign the Convention. Although ketobemidone was prohibited, it was used and manufactured in some countries. In Europe, there had been many recorded cases of addiction to ketobemidone, because the countries in question had not carried out the recommendations of the Commission on Narcotic Drugs.

Mr. KROOK (Sweden) said that there was nothing new in the idea of prohibiting the use of dangerous drugs, for it had been broached at The Hague in 1912. Since then, various recommendations had been made. Sweden, for example, had prohibited the importation, use and manufacture of diacetylmorphine in 1952 and had taken similar measures in regard to cannabis and cannabis preparations in 1957. Moreover, diacetylmorphine had been used in only one pharmaceutical preparation, the composition of which had been unlikely to give rise to abuse. There was no heroin addiction in Sweden. The measures which Sweden had taken in that field had been inspired by a spirit of international co-operation.

In his opinion, it would be enough, after consultation with the WHO Expert Committee, to make a recommendation in regard to schedule IV.

Miss HARELI (Israel) said that although her government would be able to accept the provisions of article 2, the drafting of the article might well be improved.

Under paragraph 1(e) very little of positive value could be accomplished by using the substances in question for medical purposes, and to include schedule IV in the Convention would tend to discourage research.

The Israel Government would favour one of the following courses: either both paragraph 1(e) and schedule IV should be omitted, or else the prohibition should be in the form of a recommendation and would thus not prevent any government from completely prohibiting some or all of the substances concerned.

Mr. ACBA (Turkey) recalled that he had supported the retention of schedule IV. Although, as was generally known, the medical use of heroin and ketobemidone was prohibited in Turkey, he would not, in view of the differences of opinion expressed by delegations, insist that the list should be compulsory. He would, however, urge that schedule IV should be retained, because there should be a list of substances to which international bodies could refer in formulating recommendations for the prohibition of the drugs concerned. On the basis of those recommendations, governments could take action in accordance with their own laws and their obligations to their people.

What the Turkish Government wanted was an arrangement whereby both new and old substances which, after sufficient experience, were recognized as harmful could be placed on the prohibited list so that countries less advanced in research might be able to profit by that experience and avoid the danger of drug addiction.

Mr. DÍAZ LÓPEZ (Spain) said that in the Spanish text he would prefer the use of the word *estupefaciente*, because it was more specific. Spain subscribed to the proposed text for article 2, paragraph 1(e). Articles 2 and 3, particularly the former, seemed to be well drafted and represented very marked progress in that the Commission would be able to take measures which would not hamper national control. Although he appreciated the objections of some delegations, he preferred the provisions as drafted. The solution might perhaps be to amend paragraph 1 (e) so as to leave certain States free to pursue their research in the field of narcotic drugs without preventing others from taking the control measures which they thought desirable.

The PRESIDENT proposed that, before considering article 3 more particularly, the Conference might vote on the most controversial point affecting article 2, namely, whether the prohibition in paragraph 1(e) should be compulsory or should take the form of a recommendation. Such a decision would surely expedite the task of the working group to be set up at the conclusion of the Conference's consideration of article 3.

Mr. ANSLINGER (United States of America) regarded that proposal as very propitious. The Conference had already devoted much time to the question, and the moment had come to make the position clear.

Mr. CURRAN (Canada) shared that view.

Mr. GREEN (United Kingdom) thought that it might be better to refer the question to a working group, which could make various suggestions to the Conference for its decision before it turned to the consideration of article 3.

Mr. BITTENCOURT (Brazil) and Mr. CERNIK (Czechoslovakia) supported that view.

Mr. BANERJI (India) recalled that, according to the method of work originally agreed upon, (E/CONF.34/3), the final decision in all cases where there was a difference of views was to be taken only after a working group had met and had submitted several alternative texts which took into account all the arguments. He wished to know whether, apart from the point at issue, which had already been the subject of long discussions, the Conference intended to depart from that procedure. That was a question of principle which should be settled forthwith because it was bound to recur. He thought that it would be premature to proceed to a vote because some delegations had not yet presented all their arguments, having thought that they would have the opportunity to do so in the working group.

Mr. TABIBI (Afghanistan), supported by Mr. RODIONOV (Union of Soviet Socialist Republics) and

Mr. DANNER (Federal Republic of Germany) thought that the Conference could take a decision of principle at that stage without, however, establishing a precedent. In that way the working group would be given the task of drafting a text, but a mere repetition of the various views would be avoided.

Dr. MABILEAU (France) shared that opinion.

Mr. NIKOLIC (Yugoslavia) thought that the debate had shown a clear majority in favour of a recommendation. The question was therefore sufficiently clarified to enable the working group to function. A vote should be taken only when the working group had completed its task. Otherwise, it would be advisable to refer the problem direct to the drafting committee, for the working group could perform no useful function if its hands were tied.

Mr. GREGORIADES (Greece) thought, on the contrary, that it would be useful for the working group to know the views of the Conference, because in that way its terms of reference would to some extent be defined.

Mr. RABASA (Mexico) shared that view.

Mr. KRUYSSSE (Netherlands) said that he regarded it as certain that the prohibition would not be compulsory but would be in the form of a mere recommendation. The taking of a vote would not be contrary either to the rules of procedure or to the agreed method of work, because paragraph 14 of document E/CONF.34/3 provided that on a small number of well-defined questions which could be clearly resolved by vote, the plenary could take a vote and then refer the article in question to the drafting committee.

Mr. CURRAN (Canada) said he had been impressed by the Yugoslav representative's argument. For his part, he thought that if the working group reached unanimity, it could send the question directly to the drafting committee without having to ask for the prior approval of the Conference; the drafting committee and the working group could work along parallel lines.

The PRESIDENT stressed that the general committee had intended that any simple decision would be taken by the Conference in plenary meeting. It was only if different positions had to be reconciled that the Conference should refer the question to a working group or an *ad hoc* committee. Since, however, no agreement had been reached, he invited the Conference to vote on the proposal that an immediate decision should be taken on whether the prohibition provided for in article 2, paragraph 1(e), should be compulsory or not.

A vote was taken by show of hands.

The proposal was rejected by 27 votes to 25, with 4 abstentions.

Mr. GREEN (United Kingdom) noted that the decision to be taken on article 2, paragraph 1(e), would have some bearing on article 3. However, the main

problem raised by article 3 had to do with the future role of the Commission on Narcotic Drugs. The United Kingdom's objection to the provision in question was similar to its objection with regard to article 2, paragraph 1(e). The problem was even more serious, since the parties would be committed in advance to prohibiting drugs which had not yet even been discovered.

Furthermore, the Commission was empowered to act only after consultation with WHO and not necessarily in accordance with the latter's recommendations. But was it desirable to amend the Conventions of 1931 and 1948 in that respect and to entrust responsibility in the matter to the Commission instead of leaving it to WHO? The Commission met only once a year; if a notification was sent to it in June, for example, it could take no decision before the following April. Under the existing system, a notification submitted in June was examined as early as October by the WHO Expert Committee. If, on the other hand, the notification was sent immediately after the session of the Expert Committee, it could be transmitted in April to the Commission, which would take provisional measures. Under the new provision, the time-lag, instead of being six months at the most, could be as much as twelve months.

Article 3, paragraph 4, was too vague. The words "the inclusion of an additional substance in the system of control" were not precise. It was only when a new drug had to be subjected to control promptly because of its dangerousness that provisional measures should be taken. The draft, unlike the 1948 Protocol, did not specify that the parties must respect the recommendations concerning such provisional measures; hence it was less effective.

The draft did not reflect the decision taken by the Economic and Social Council in its resolution 730 D (XXVIII) on the recommendation of the Commission. The resolution provided that when a government had notified the Secretary-General that it considered a drug liable to produce addiction, all other governments should examine the possibility of the immediate and provisional application of control measures to the drug in question, even in advance of a decision by the Commission on Narcotic Drugs or WHO. Such a provision would make it possible to place the drug in question under control promptly.

His delegation wished to reserve its position with regard to article 3, paragraph 5, until the Conference had taken a decision on the preceding paragraphs. In conclusion, he expressed his approval of the suggestion that the definition of the word "drug" appearing in article 1(k) should be transferred to article 3. WHO had criticized the wording of that sub-paragraph and had proposed an amendment (E/CONF.34/1). As it was to be understood, however, that it would be interpreted in the sense intended by WHO, he did not think it was absolutely necessary to amend the existing text.

Mr. YATES (Secretariat) said he would like to explain the position of the Secretariat with regard to article 3, paragraph 3, which provided for the transfer to the United Nations of certain functions exercised in the

past by WHO. Under the existing system WHO was responsible for taking technical decisions, while the United Nations Secretariat was responsible for the mechanics of their application. The system operated as well as could be expected and the Secretariat saw no reason why it should not be maintained. On the other hand, there was no doubt that the first stages of control (provisional control) called for some adjustment.

Mr. ANSLINGER (United States of America) thought that the criteria for determining which new drugs should be subjected to control should appear in article 3 rather than in the definitions. Furthermore, either article 3 or the definitions, as the case might be, should include provisions regarding substances which were not actually drugs but which could easily be converted into drugs. Provision should also be made for an appeal from or revision of any decision altering the schedules. A government should be able to have recourse to a group of independent experts if it did not wish to accept a recommendation of which it disapproved or if it wished to correct an error which might be made in good faith by WHO. Finally, the United States agreed with WHO that if a decision concerning amendments to the schedules was taken by the Commission such amendments should be in accordance with the views and the recommendation of WHO, for if the Commission took measures which deviated from the views of WHO, it could not be for medical reasons but only because of the possibility of abuse.

Mr. ACBA (Turkey) said that he, too, thought the Commission was not competent to make changes on its own initiative; it should act in agreement with WHO. The Commission should be able to request, and not simply recommend, that the parties apply the provisions of the Convention to an additional substance, on a provisional basis, on the understanding that such request would be only provisional and would not be made except in case of emergency.

Mr. CURRAN (Canada) said that in principle he could support the idea of an appeals committee, but the details concerning the way in which it would operate should be carefully studied.

With regard to article 3, paragraph 1, he said countries should be encouraged to furnish without delay full particulars of new substances which might usefully be added to the schedules and to make any suggestions they saw fit concerning the transfer of a substance from one schedule to another. Any notification received by the Secretary-General should be transmitted immediately to all the parties, together with the relevant documentation, or, if the latter was too bulky, such documents as he considered most important.

Article 3 should set forth certain criteria concerning the classification of substances within the different schedules. At the moment, the recommendations of WHO were followed fairly closely and there was no reason to change the practice. But the criteria would be particularly useful for the guidance of countries which had had no experience of the earlier conventions.

The words "after consultation with the World Health Organization" in article 3, paragraph 3, were too weak; the Commission should be at liberty to amend the schedules only on the recommendation of WHO.

Article 3, paragraph 4, was too vague. Circumstances might be such as to convince the Commission that a substance should be provisionally included in schedule I before WHO had expressed an opinion on the subject. In such a case, and provided that the reasons were stated, it should be able to address to countries not merely a recommendation but an actual request which would be provisionally binding on the parties.

Mr. KRUYSSSE (Netherlands) also thought that article 3 should establish certain criteria for determining how additional substances were to be classified in the schedules. The 1948 Protocol provided that a committee of experts appointed by WHO should decide the category in which such additional substances should be included. That procedure had raised no difficulties and it would probably be useful to retain such a provision in the Single Convention. According to the draft, the Commission would take the final decision. Nor was that in itself objectionable because, while WHO would base its decision essentially on medical criteria, the Commission could apply other criteria, social for example. Nevertheless, the Commission should be empowered to take a final decision only on the recommendation of WHO and not merely after consultation with that agency.

The provisions of article 3, paragraph 4, regarding the provisional control of additional substances did not go as far as those of the 1948 Protocol, which had proved very effective. In his view, a mere recommendation was not sufficient. The Commission should have authority to take a decision which would be binding on the parties.

As had been said, the parties should be under an obligation to enact control measures upon receipt of the notification. However, for that purpose, they would have to have sufficient information. The Secretariat might summarize the information available and transmit it to the parties.

The United States representative had spoken of the need for some appeals machinery. In that respect, the Convention might adopt the provisions of article 3 of the 1948 Protocol.

In the opinion of the Netherlands Government, substances convertible into narcotic drugs, which were as dangerous socially as actual drugs, should either be listed in a separate category in schedule I or should be given in a special schedule.

Mr. TILAK RAJ (India) said that the provisions of article 3 were based on decisions taken by the Commission on Narcotic Drugs at its twelfth session. The second draft of the Single Convention had provided that the schedules would be amended upon the advice and recommendation of WHO. But at the twelfth session emphasis had been placed on the advisory role of WHO and it had been decided that the Commission should be able to act after consultation with WHO, due account

being taken of the opinion of the body of experts concerning the therapeutic value and the dangers of the substances in question. The Commission on Narcotic Drugs was the only competent body for shaping the policy regarding the international control of narcotic drugs. As such, it should take the final decisions rather than a technical body like WHO. Otherwise, it might find itself in a difficult position in the event of a difference of opinion with WHO.

He shared the view of the United Kingdom representative that a system should be established under which a decision could be taken quickly on substances to be added to or deleted from the schedules. All the schedules should be capable of amendment, but certain guarantees were needed; in his view, such decisions should require a two-thirds majority vote of the Commission.

He supported in principle the United States proposal concerning an appeals machinery if such was the desire of the majority.

Since he considered it desirable that States not parties to the Convention, or other international organizations, should not be prevented from providing information on narcotic drugs, he proposed that the last sentence of article 3, paragraph 1, should be amended to read: "A notification to the same effect may also be made by the World Health Organization or any non-party or international organization."

Mr. MAURTUA (Peru) thought that the amendment of the schedules, which formed an integral part of the Convention, would in effect constitute an amendment of the Convention itself. Measures of control or the prohibition of additional substances required a special procedure, for which there was no provision. The Commission could ensure the regulation of known substances, but in the case of new substances, the system might not be effective. Article 29 concerned the limitation of the manufacture and importation of narcotic drugs. In the case of substances whose ill-effects were not very great or whose properties had not been thoroughly studied, the rules established might prove either unduly strict or inadequate. That was serious in view of the penalties laid down in article 22 of the Convention.

Mr. NIKOLIC (Yugoslavia) said that articles 2 and 3 should establish a list of substances which, although not narcotic drugs, could easily be converted into drugs and would be placed under appropriate control.

He pointed out that no account had been taken in article 3 of the provisions of Economic and Social Council resolution 730 D (XXVIII).

He agreed with the delegations which considered that the word "recommend" in article 3, paragraph 4, was too weak.

Dr. HALBACH (World Health Organization) noted that the views of many delegations coincided with the view of the World Health Assembly that the Commission's decision should be in conformity with the recommendations of WHO.

As for the question of the provisional control of new drugs, which had been discussed at great length by

WHO, the Expert Committee believed that that procedure was necessary in order to bring those substances under immediate control, particularly if they were clearly dangerous.

Reverting to article 2, paragraph 1(e), he said that the Expert Committee considered, on medical grounds, that the provision should be in the nature of a recommendation.

The appeals machinery contemplated should be carefully examined; the result would depend on how the authority for amending the schedules was apportioned.

Mr. DANNER (Federal Republic of Germany), referring to the remarks of the Peruvian representative, said that in the light of the provisions of article 2, paragraph 5, it was arguable that a modification of the schedule would in effect constitute an amendment of the Convention. If so, the same would apply to the provisional control of new drugs, and the Commission in that case could hardly do more than make a recommendation to the parties as at present provided in article 3, paragraph 4.

Dr. MABILEAU (France), referring to article 3, paragraph 3, considered that the advice of WHO, which was that of the most competent medical experts, should have the force of a recommendation on the basis of which the Commission should be able to take a decision.

In paragraph 4, the word "recommend" should be replaced by a stronger term in order to ensure control at least as effective as that provided in the 1948 Protocol.

Mr. TABIBI (Afghanistan) did not agree with the representatives of the Federal Republic of Germany and Peru that, in law, an amendment of the schedules would constitute an amendment of the Convention and require separate ratification. Since the Convention itself provided for the possible modification of the schedules, the Parliament of a State, when ratifying the Convention as a whole, including that provision, would be agreeing in advance that it could be so modified.

Mr. KUNTOH (Ghana), reverting to article 2, paragraph 1, said that the provision should have the effect of a mere recommendation and that prohibition as such should be left to the discretion of States.

With regard to article 3, paragraph 3, he said the Commission should act not only after consultation with WHO, but in accordance with its recommendations.

Mr. NIKOLIC (Yugoslavia) shared the view of the representative of Afghanistan regarding the amendment of the schedules.

Mr. RODIONOV (Union of Soviet Socialist Republics), referring to article 3, paragraph 5, doubted whether the Conference had the authority to take a decision limiting the rights of the Economic and Social Council. The Commission on Narcotic Drugs was a functional commission of the Council and, under Article 68 of the Charter and rule 71 of the rules of procedure of the Economic and Social Council, the Council set up its commissions and defined their powers.

It might perhaps be better to omit the paragraph.

The PRESIDENT suggested that the Conference might establish an *ad hoc* committee to consider articles 2 and 3 of the Single Convention (third draft), composed of representatives of the following States, which had declared their willingness to serve on it: Afghanistan, Australia, Brazil, Canada, China, Denmark, Federal Republic of Germany, France, Ghana, Haiti, Hungary, India, Iran, Israel, Liberia, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Poland, Republic of Korea, Romania, Sweden, Switzerland, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.

It was so agreed.

The meeting rose at 12.50 p.m.

SEVENTH PLENARY MEETING

Tuesday, 31 January 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2) (continued)

Article 30 (Medical and scientific purposes)

Mr. CURRAN (Canada) thought that the basic provision contained in article 30 should be transferred to chapter III concerning the obligations of parties.

Mr. DANNER (Federal Republic of Germany) asked whether, under the article, exporting countries would have to obtain an assurance from importing countries that the drugs they wished to import would be used exclusively for medical or scientific purposes.

Mr. KOCH (Denmark) recalled that article 2, paragraph 4, authorized certain industrial uses. Article 30 should therefore refer to that paragraph or alternatively—and more logically—the provisions of article 2, paragraph 4 should be transferred to chapter VIII which dealt with the control of drugs. The *ad hoc* committee to which articles 2 and 3 had been referred could perhaps consider that point.

Mr. KENNEDY (New Zealand) said that in practice medical uses included veterinary uses. Article 30 should state clearly that that generally accepted idea was in fact recognized by the Convention.

Mr. LANDE (Deputy Executive Secretary), replying to the representative of the Federal Republic of Germany, explained that under the draft Convention an export authorization could be granted only upon the production of an import certificate drawn up in conformity with an international model. The certificate would have to indicate that the importation was for medical or scientific purposes.

In reply to the representative of Denmark, he said that the first phrase in article 30 referred to all the exceptions provided for in other articles.

Mr. TILAK RAJ (India) asked whether article 30 permitted the use of drugs in indigenous medicine.

Mr. LANDE (Deputy Executive Secretary) said that article 39, paragraph 3, permitted the use of cannabis in some systems of indigenous medicine in India and Pakistan.

Mr. TILAK RAJ (India) said he was aware of that exception, but pointed out that some preparations were based on opium.

Mr. LANDE (Deputy Executive Secretary) said that since the expression "indigenous medicine" was not well defined, it might perhaps be preferable to specify the types of opium preparation the use of which would be permissible under the Convention in an indigenous system of medicine.

Mr. TILAK RAJ (India) said that he could agree to that solution. He felt bound to state, however, that if the use of the preparations recognized by the Indian pharmacopoeia was not authorized, India would be obliged to make a reservation.

Mr. ASLAM (Pakistan) endorsed the remarks of the representative of India. The situation in Pakistan was virtually identical. It would be advisable to mention in the definitions that article 30 authorized the use of opium in indigenous medicine.

Mr. ANSLINGER (United States of America) said that the question had never before been raised in connexion with the Single Convention. It would be necessary to have an exact definition of the opium preparations which were used in indigenous medicine.

Mr. ASLAM (Pakistan) thought that an exception should be made for opium similar to that provided for cannabis in article 39.

Dr. HALBACH (World Health Organization) explained that the situation was different for cannabis and opium. Cannabis was not normally used in medicine, whereas the therapeutic properties of opium were generally recognized and could be employed in indigenous as in Western medicine. It did not, therefore, seem necessary to provide an exception for opium.

Mr. ASLAM (Pakistan) said that he would not press the point, provided that it was fully understood that the use of those preparations in indigenous medicine in the sense of article 39 was permitted and that the question did not give rise to dispute at a later date.

Mr. LANDE (Deputy Executive Secretary) observed that the Conference as a whole appeared to have no objection to that interpretation. However, if the representatives of India and Pakistan felt it necessary, the Conference could either adopt a resolution defining the meaning it attached to the expression "medical purposes" or insert an express provision in the Convention.

Mr. BANERJI (India) wished to make it clear that, far from wanting to evade measures of control, his Government was, on the contrary, concerned to ensure that indigenous doctors could continue to prescribe the preparations permitted by the national legislation without contravening the provisions of the Convention.

Mr. DANNER (Federal Republic of Germany) said that possibly article 56, paragraph 2(a), would satisfy the representatives of India and Pakistan.

Mr. ANSLINGER (United States of America) thought that the expression "quasi-medical use" should not appear elsewhere than in the article on reservations.

The PRESIDENT considered that, so far as the objections of India and Pakistan were concerned, it would be enough if the summary record made it clear that the Conference was agreed on the interpretation of the terms of article 30 as meaning that the use of drugs in indigenous medicine would be treated exactly in the same way as their use in other forms of medicine.

Mr. ASLAM (Pakistan) observed that the summary records would not form an integral part of the Convention.

The PRESIDENT said that they would nevertheless serve to make clear the meaning of its provisions.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) also thought that it would be possible either to adopt a resolution on that point or to introduce a special clause in the draft Convention. There was already such a clause in article 39, for cannabis; there would be no difficulty in inserting a similar clause in article 30 for opium preparations, specifying, as in article 39, the medicines which used them. That would prevent any dispute arising in the future.

Mr. LANDE (Deputy Executive Secretary) was of the same view as the representative of WHO: a special provision for cannabis had been introduced into article 39 because the therapeutic properties of that substance were not recognized in Western medicine. Without that special stipulation, therefore, it would not have been possible for cannabis to be used in indigenous medicine. Moreover, the use of cannabis would be prohibited in the new Convention. The position was different in the case of opium. The Conference might, therefore, as the President had suggested, simply make it clear in the record that the medical purposes referred to in article 30 covered the use of opium in indigenous medicine in India and Pakistan.

Article 40 (Manufacture)

Mr. ANSLINGER (United States of America) said that the words "in each of their establishments", in article 40, paragraph 2(c), were superfluous. It would be enough to allot a quota to each manufacturer, without sub-dividing it by establishments.

Mr. GREEN (United Kingdom) said that practice was, in fact, to allot quotas to manufacturers. An amendment of paragraph 2(c) to that effect would therefore be advisable.

With regard to paragraph 1, he said that in many

countries the commonest system was manufacture under licence and not by state enterprise. The paragraph could therefore be amended to place the two systems on an equal footing.

He thought that the definition of "manufacture" in sub-paragraph (g) of article 1 should cover the manufacture of preparations. He understood that, for the purposes of the Convention, the term "licence" could be interpreted broadly so that it would, for instance, cover the general authorization granted to pharmacists in the United Kingdom. The United Kingdom Government could not accept the provision if the term were given any narrower interpretation.

The reference to article 4, paragraph 2(e), which appeared in article 40, paragraph 4, was not appropriate; article 40 should rather be mentioned in article 4, paragraph 2(e). Lastly, the expression "shall consider sympathetically", in paragraph 4, was not very satisfactory.

Mr. CURRAN (Canada) associated himself with the United Kingdom representative's comments on paragraph 1 and with the United States representative's remark concerning paragraph 2(c).

If preparations were exempted from international control, as provided in paragraph 2(c), it should be made very clear that the absence of international regulations would not prevent countries from adopting any national control measure they saw fit.

Mr. DANNER (Federal Republic of Germany), commenting on the expression "periodical permits" in paragraph 2(c), said that the permits issued in his country were not limited as to time. The government could cancel the licences if the licensees stopped complying with the regulations. However, quite a large plant was required for the manufacture of narcotic drugs and the manufacturers might hesitate to make the financial commitments required if they had doubts about the renewal of their permits. For that reason, he proposed that the word "periodical" should be deleted in the provision in question.

Mr. KRUYSSSE (Netherlands) also thought that paragraph 1 was not very clear. It could, for instance, be interpreted to mean that a licence was not required for the manufacture of preparations. The first draft had provided for the control of preparations, and the third should do the same.

The system of periodical permits had existed under the 1925 Convention, but it had never been applied in the Netherlands. The manufacturers did not produce more than they could sell, and consequently the government did not have to intervene. There was no reason why the word "periodical" should not be retained, however, if such a provision could be of use to some countries.

Mr. BANERJI (India) considered that paragraph 2(a) should be amended, for the control of persons might prove difficult in practice.

In paragraph 2(c), it seemed unnecessary to stress the periodical nature of the permits, or a system of quotas for each establishment. On the other hand,

the preparations containing narcotic drugs should be subject to the same control as narcotic drugs themselves. The proviso in paragraph 2 (c) should therefore be deleted.

In paragraph 3, the term "accumulation" should be clearly defined in order to prevent disputes and misunderstandings. If, for instance, State enterprises were allowed a two-year accumulation of stocks, private enterprises should be allowed only a one-year accumulation, because there was more risk of abuse in a private enterprise.

Mr. LANDE (Deputy Executive Secretary) said that the word "permits" in paragraph 2 (c) did not apply to licences to manufacture, which were mentioned in paragraph 1. Paragraph 2 (c) provided for periodical permits specifying the amounts of drugs which the licensees would be entitled to manufacture. Those provisions were essential if a system of quantitative limitation was to be maintained. For countries to keep within their estimates, the amounts should be distributed among the different licensees to enable each to manufacture his allotted quota.

Mr. NIKOLIC (Yugoslavia) thought that paragraph 1 should apply to preparations also. That paragraph should also include provisions for provisional control, as in the case of new drugs recommended to be placed under provisional control under Economic and Social Council resolution 730 D (XXVIII).

Dr. MABILEAU (France) said that he had no objection to the redrafting of paragraph 1. Paragraph 2 (c) would be acceptable if permits to manufacture were issued to each firm; but he was against the idea of issuing permits to the same manufacturer for each of his establishments. The word "periodical" should be retained. As periodical renewal was the very basis of a permit system, the article would be meaningless if the word "periodical" was deleted. He proposed that the WHO specifications and standards should be indicated in paragraph 4; in particular, those of the international pharmacopoeia, the monographs of which on a large number of narcotic drugs would be a useful reference.

Mr. DANNER (Federal Republic of Germany) withdrew his proposal for the deletion of the word "periodical".

Mr. GREEN (United Kingdom) thought that his remarks concerning preparations had been misunderstood by the Indian representative. He had been referring to paragraph 1. With regard to paragraph 2 (c), he did not see any necessity to specify the amounts of preparations which each manufacturer would be entitled to produce.

Mr. BANERJI (India) thanked the United Kingdom representative for his explanation. He agreed that there was no need to amend paragraph 2 (c). However, he did not entirely share the views of the United Kingdom representative regarding preparations containing narcotic drugs. They should be subject to a certain measure of control.

Mr. KRUYSSSE (Netherlands) concurred in the

United Kingdom representative's view that it was not necessary to control preparations by means of periodical permits. There was no danger to public health, as preparations could not be manufactured except under control, and the system of control was satisfactory.

Dr. HALBACH (World Health Organization) said that the Indian representative's point could be considered in connexion with article 41. For his part, he thought that preparations should be under control.

Mr. NIKOLIC (Yugoslavia) said that he wished to make his position clear. When he had supported the idea of control for preparations, he had been thinking of paragraph 1.

Mr. BANERJI (India) thanked the Netherlands representative for his comments. He would not oppose the deletion of paragraph 2 (c).

Mr. CURRAN (Canada) said that the last part of paragraph 2 (c) was ambiguous. The proviso applied only to periodical permits; but from the legal and technical point of view, it might be taken to apply to the whole sentence. The drafting committee should clarify the wording.

Dr. MABILEAU (France) said that the meaning of the word "preparations" should be defined. If the prescriptions made up by pharmacists were meant, there was no need to mention them, as they were already covered by the national control system. However, if manufactured pharmaceutical products were meant, it was essential that they should be controlled up to the marketing stage. The Secretariat should make the point clear.

Mr. LANDE (Deputy Executive Secretary) read out the definition of "preparation" in article 1 (reference paragraph 28). Preparations were not covered by paragraph 2 (c) because that clause provided for the limitation of the amount of narcotic drugs manufactured in a country, whether as narcotic drugs proper or in preparations. As the narcotic drugs contained in the preparations were included in the estimate, it was not necessary for the manufacturers of preparations containing narcotic drugs to have the permits referred to.

Mr. ASLAM (Pakistan) asked what was meant by the expression "raw materials".

Mr. LANDE (Deputy Executive Secretary) said that that was a pertinent question. "Raw materials" meant dangerous substances such as opium, and non-dangerous substances used in synthetic drugs. The expression had been used in the 1931 Convention: at that time, all raw materials had been considered to be dangerous, being themselves generally narcotic drugs.

Mr. CHA (China), referring to paragraph 3, said that it was unlikely that any State enterprise would be guilty of malpractices. Control was therefore unnecessary and the paragraph should not be included in the Convention.

Mr. ANSLINGER (United States of America) recalled that there had been a similar provision in the Convention of 1931. It had been decided that the stocks of raw opium would only be constituted for a period of six months. That provision had been scrupulously applied and it was therefore desirable to retain it.

Mr. BANERJI (India) thought that the restrictive measures should apply not only to State enterprises but also to private enterprises. He agreed with the representative of China that there was less risk of malpractices in State enterprises and that private ones should be subject to even stricter control. It was also necessary to define what was meant by accumulation; that matter might be studied by a working group.

Mr. WARREN (Australia) said that he did not think that the provisions of article 40, paragraph 3, affected those of article 27, paragraph 3, or article 28, paragraph 1 (e) in any way. Those provisions made a distinction between stocks intended for government purposes and those held by the government for other needs. He therefore approved article 40, paragraph 3, as drafted.

Article 41 (Trade and distribution)

Mr. ANSLINGER (United States of America) approved of the proposal regarding the issue of counterfoil books (article 41, paragraph 2 (b)), but thought it should be in the nature of a recommendation. The system of counterfoil books complicated the administrative work and did not prevent doctors from acquiring unlimited quantities of narcotic drugs. The provisions in article 41, paragraph 3, should also be worded as a mere recommendation.

Paragraph 5 was not justified. He saw no need for a double red band on a package containing a drug, as any such consignment was in any case accompanied by an import licence.

Mr. KENNEDY (New Zealand) said he saw no point in a compulsory system of counterfoil books. In New Zealand, medical prescriptions were entirely hand-written by doctors, whose signature could be easily recognized. As to paragraph 5, he agreed with the United States representative's objection to the double red band; such a label would merely attract attention to packages containing drugs.

Mr. CURRAN (Canada) pointed out that the counterfoil system could not be applied in Canada; it would raise constitutional problems, since medical matters were within the jurisdiction of the provincial governments, not of the central Government. He also thought that it would be difficult to control persons; it would be sufficient to control the distribution of drugs, which implied the control of persons.

Mr. ARVESEN (Norway) endorsed the views which had been expressed on article 41, paragraph 2 (b).

Mr. DANNER (Federal Republic of Germany) agreed with the views of the United States representative. Governments should be left free to decide whether or not to require counterfoil books. He also thought there was no point in a double red band. His govern-

ment did not think it right that a patient should know that an addiction-producing substance had been prescribed for him.

Mr. GRINBERG (Bulgaria) said that the provisions of paragraph 2 (b) seemed unnecessary, as they would simply complicate the administrative work. Moreover, it was undesirable for patients to know that a medication possessed addiction-producing properties. The control of drugs was satisfactory in Bulgaria, and he considered that each party should be free to establish the system of control best suited to its requirements.

Mr. BITTENCOURT (Brazil) said that Brazilian law provided for a system similar to that of counterfoil books. However, he fully endorsed paragraph 2 (b) and paragraph 3 and suggested the addition of the words "by medical prescription or special counterfoil books" at the end of paragraph 2 (b).

Mr. KRUYSSSE (Netherlands) endorsed paragraphs 2 (b), 3 and 5. He thought that many doctors were unaware of the addiction-producing properties of certain medications, for the same substance might appear under many different names. The Netherlands was therefore in favour of using international non-proprietary names. The system of special prescriptions had been accepted in the Netherlands, as it had in Brazil. In order to avoid the risk of addiction, it was better that the patient should know that the medicine with which he was being treated contained a drug than to continue the usual method of prescribing with a greater risk of addiction.

The system of the double red band was desirable, since patients should be alerted to the danger inherent in the medicaments prescribed for them. Regarding paragraph 1 (b) (i) of article 41, he thought the control measures should also apply to persons who held narcotic drugs. As to paragraph 1 (c), he said that doctors should not be exempt from control, for they could themselves become addicts.

Mr. ISMAIL (United Arab Republic) said that it had been realized in his country that drug addicts stole prescription forms in order to obtain drugs. Legislation had therefore been introduced some years earlier under which doctors had to write prescriptions for narcotic drugs on counterfoil books stamped by the Minister of Public Health and with numbered pages. In order to obtain a new counterfoil book, the doctor had to send back the counterfoils back to the Ministry of Health. That procedure had had the effect of limiting the administration of narcotic drugs and of controlling addiction more strictly. He therefore considered it desirable to retain paragraph 2 (b).

With regard to paragraph 5, he recalled that, when the Commission had dealt with the problem the competent technical sub-committee had thought that the provision would be useful for synthetic drugs and for preparations made from those drugs, which were continually increasing in number. Some products such as pethidine or methadone were sold under more than ten different trade names, and the laboratories were continually perfecting new products. Customs officials

were not technical experts or pharmaceutical chemists. The double red band would make their task easier, and he therefore thought that the provision in question should be retained.

Mr. WARREN (Australia) said that prescriptions for narcotic drugs were under very strict control in his country, but that the States of the Commonwealth of Australia were free to fix the modalities. It would be better not to force States to alter national practice in that connexion; he accordingly favoured the deletion of the clause requiring counterfoil books.

With regard to the provision concerning a double red band, he thought it would simply make control more of a burden. The system of export and import permits instituted under the Convention of 1925 was working quite satisfactorily. Moreover, the measure in question would be even more difficult to justify in domestic trade.

Mr. PRAWIROSOEJANTO (Indonesia) said that the trade in narcotic drugs, including retail trade and retail distribution, was very strictly controlled in Indonesia. Paragraph 7 should not discourage governments from taking measures even stricter than those provided by the Convention.

Mr. BANERJI (India) thought that control would be more efficient if trade and distribution were reserved so far as possible to state enterprises, at least at the wholesale stage, and particularly with regard to foreign trade where such a precaution would appreciably reduce the possibility of leakages. While it was true that the illicit use of narcotic drugs varied in extent from one country to another, it was in the interests of all to see that the measures for strengthening control should be as strict as possible.

The drafting committee or the working group would have to give attention to the problem which might arise in connexion with paragraph 1 (b) (i), and also article 40, paragraph 2 (a). It might prove difficult in practice to control all persons engaged in the trade in or distribution of drugs.

In its comments, India had suggested that the exemption laid down for preparations in paragraph 1 (b) (ii) should be deleted, but the explanations given by the Secretariat on article 40, paragraph 2 (c), satisfied the Indian delegation and he would therefore withdraw the suggestion.

In India, control and licensing regulations applied equally to persons performing therapeutical or scientific functions. The object should be to protect individuals, and the persons in question were even more exposed to danger than the rest of the community. It was therefore undesirable that they should be excluded from the control system, as article 41, paragraph 1 (c) provided. In paragraph 2 (a) the word "accumulation" should be more clearly defined, as also in article 40, paragraph 3, since it was necessary to know at what point "accumulation" began. State enterprises and private undertakings should be treated on an equal footing, but state enterprises could be authorized to keep stocks.

The provisions regarding counterfoil books should be retained, but the Indian representative would not be against a recommendation on that point. On the other hand, paragraph 3 of article 41 relating to international non-proprietary names should be retained as it stood, at least so far as international trade was concerned. If the provision was made a simple recommendation, some countries might fail to comply with it, and problems would arise in their trade with countries accepting the clause. It was also clear that if a distinction was made between foreign and domestic trade, there was a danger of hindering the smooth flow of drugs necessary for medical purposes.

Although the provision concerning the double red band seemed to present problems, such a label would have advantages, in the case of international trade at any rate, because that would ensure that practices were uniform. The French representative's suggestions were interesting and should be considered by the drafting committee.

Mr. JOACHIMOGLU (Drug Supervisory Body), emphasized the very great importance of the clause regarding international non-proprietary names. A single substance might be commercially known under many different names, and new appellations were added to the list every day. Doctors could not be expected to know them all, and it would therefore be very difficult for them to be sure that they were not giving their patients an addiction-producing drug if the non-proprietary name was not indicated.

Mr. NIKOLIC (Yugoslavia), referring to paragraph 2 (b), said that it would be preferable to leave to each State the responsibility of deciding upon the modalities of control. In any case, it would be as easy for addicts to steal counterfoil books as ordinary prescription forms.

The provision regarding the double red band was worth retaining, as there were already so many synthetic drugs—and their number was continually increasing—that it was impossible for customs officials, and sometimes even for doctors, to recognize them. A case had arisen where a package containing drugs had not been stopped by the customs owing to the absence of any means of identification. Finally, it was not clear why paragraph 1 (b) (ii) laid down an exemption for preparations.

Mr. CHIKARAISHI (Japan) said that under Japanese law the purchase and sale of drugs had to be recorded in special registers. He could not accept a mandatory provision regarding counterfoil books, for the system in force in Japan worked satisfactorily and there was no reason to introduce a new procedure the advantages of which would not justify the resulting expenditure and administrative complications. A double red band could be made compulsory for drugs carried by trains, ships and aircraft for first-aid purposes.

Dr. MABILEAU (France) said that a double red band would clearly serve no purpose in combating the illicit traffic or in the control of legitimate international trade for which certificates were required. But it might

prove useful in dealing with frontier traffic and in postal control, for the PCOB had found that packages containing drugs were not necessarily stopped at the frontiers of some countries.

It had been said that it was preferable that a patient should not know that he was being given narcotic drugs. In reality, doctors would naturally take psychological considerations into account and it might sometimes be thought necessary to seek a patient's co-operation; if he knew that he was taking a dangerous substance, he would scrupulously respect the instructions laid down.

Counterfoil books had been used in France for a considerable time. They had facilitated regional inquiries and made it easier to supervise the use and curb the abuse of drugs. But other methods might be equally effective, for example, special numbered prescription forms printed on paper similar to that used for bank notes. To indicate a measure which had proved its worth would certainly facilitate the task of countries undergoing administrative reorganization, but it would be best to word the provision as a recommendation.

The need for international non-proprietary names was becoming daily more urgent in view of the multiplicity of designations used for any one substance. The provision must, however, be so worded that it would not interfere, by its mandatory character, with the established proprietary rights of manufacturers. In France, any international non-proprietary name was immediately submitted to the pharmacopoeia commission, and manufacturers were required by law to display it alongside the trade name.

Mr. GREGORIADES (Greece) said that in his country special numbered prescription forms had been in use for some time. That system had not given rise to any administrative difficulty and had produced excellent results. Paragraph 2(b) should therefore be kept as drafted. The same was true of paragraph 3, for reasons which had been explained by other representatives. Nor should paragraph 5 be amended. Traffickers would try to operate in any event, while on the other hand it might be desirable to draw the attention of other persons to the contents of such packages. Moreover, the paragraph explicitly laid down that the double band was not to appear on the exterior wrapping of the package.

Mr. BERTSCHINGER (Switzerland) said that the provisions regarding counterfoil books could not be implemented in his country, particularly in mountain regions, where the doctors themselves acted as chemists and dispensed their own medicaments without having to write prescriptions. The use of counterfoil books had no major advantages and would considerably complicate control. As to paragraph 5, he thought the fears which had been expressed were exaggerated. A similar system had been working satisfactorily in Switzerland since 1952. Patients were not in a position to know that they were receiving narcotic drugs, since the label was removed by the chemist. Nor did experience show that thefts were any more frequent. In any case, traffickers were more interested in pure substances than in patent medicines. He would not,

however, object to the provision appearing as a recommendation.

Mr. HOLZ (Venezuela) suggested that paragraph 3 should be retained; in view of the particularly serious risks of confusion created by the variety of names covering a single substance, it should be applied both in the home trade and in the international trade. Again, the system of counterfoil books was compulsory in Venezuela and had given very good results. He, too, would agree to the provision taking the form of a simple recommendation.

The meeting rose at 12.55 p.m.

EIGHTH PLENARY MEETING

Tuesday, 31 January 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention (third draft)
(E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1
and 2) (continued)

Article 41 (Trade and distribution) (continued)

Mr. CURRAN (Canada) said that his delegation had hoped that the Convention would set minimum requirements for control, rather than limit the amount of control that a party could exercise. Consequently, he had been distressed to find, in article 41, paragraph 7, the statement that the provisions of paragraphs 1 to 5 "shall not apply" to the retail trade in or retail distribution of drugs listed in schedule II. That statement literally interpreted with other exempting provisions might be construed to mean that governments could not apply national controls at the retail level to the drugs listed in schedule II as well as preparations in schedule III. Paragraph 7 was therefore unacceptable as drafted, for such drugs were liable to abuse and to conversion into more dangerous drugs. The provision should be made explicitly subject to the overriding right of the parties to put such drugs under severe national control if they so wished. He also supported the United States in objecting to official prescription forms, double red bands and the use of international non-proprietary names.

The PRESIDENT thought that the drafters had not intended to prevent any country from applying controls to drugs in schedule II, but had wished merely to indicate that the application of controls should not be obligatory.

Mr. ACBA (Turkey), referring to paragraph 2(b), said that counterfoil books had been used in his country with excellent results. He favoured the adoption of counterfoil prescription forms by all countries, as an added protection against the illicit trade.

The existence of many narcotics and the discovery and marketing of growing numbers of synthetics, the properties of which were sometimes not known even

to physicians, made it essential to require some indication of whether or not a particular substance was a narcotic drug. And since drug manufacturers would not be prevented from using their own trade name as well, he saw no reason why the international non-proprietary name should not be required to appear on the wrappings; such a requirement would facilitate control and serve as a warning to medical practitioners and patients against addiction-inducing drugs.

His delegation also favoured the requirement for a double red band, in paragraph 5, but would not press for its adoption. The Commission had decided to use the word "package" rather than packing-case, because the provision was intended to enable the customs officials responsible for narcotics control and the consumers to determine immediately that a package contained narcotic drugs.

Mr. GREEN (United Kingdom) said that he did not share the view, expressed by the Indian representative at the seventh plenary meeting, that State enterprises for trade in and distribution of drugs should be given a preferential status. He therefore suggested an amendment to paragraph 1 (a), similar to that which he had proposed at the seventh meeting with regard to article 40, paragraph 1, namely, that in accordance with existing practice, the provision should refer first to the licensing of enterprises engaged in trade and distribution, and secondly to State enterprises, which were not so common. He agreed that a provision regarding the authorization of possession of narcotic drugs, similar to article 7 of the 1925 Convention, should be inserted in the clause in question. As to paragraph 1 (c), he thought that the expression "while performing therapeutic or scientific functions" was intended to cover the dispensing of narcotic drugs; he would, however, like to be reassured on that point.

Turning to the requirement for the use of official prescription forms in paragraph 2 (b), he said it was his government's view that the use of those forms would not be justified in the United Kingdom. The introduction of the forms would entail a good deal of extra work, and there was no evidence that there would be any corresponding reward. Furthermore, the government was aware that the use of counterfoil forms was not acceptable to the medical profession. His delegation had no objection, however, to the requirement being restated in the form of a recommendation.

While it was desirable to adopt, wherever possible, the international non-proprietary names communicated by WHO, he said that in some instances it had not been possible to register the name suggested by WHO in the United Kingdom because other similar names had been registered earlier under national law. And although his government hoped that such cases would not recur, it could not bind itself to adopt names not yet formulated and would prefer to see the paragraph redrafted as a recommendation.

He did not think that the double red band, proposed in paragraph 5, would serve any worth-while purpose. As the French representative had suggested, the marking would be helpful only when an attempt was made

to smuggle small quantities of drugs across borders or when small quantities were sent through the post. Such shipments were rarely made, and would hardly justify the imposition of the red band requirement. The curious case of the shipment by a member of the DSB, mentioned at the preceding meeting, proved nothing, since it had not involved either a licit shipment of narcotics or an illicit narcotics transaction.

He did not share the alarm expressed by the Canadian representative with respect to paragraph 7. Existing conventions had for a long time not required control of the drugs listed in schedule II at the retail level. In the United Kingdom, there was no control of such drugs at the retail level as narcotics although they were controlled as poisons, and he did not think that there would have been any serious addiction problem if they had not been so controlled. However, his delegation had an open mind on the matter.

Mr. KOCH (Denmark) thought it should be made clear that the first sentence of paragraph 2 (b) applied only to drugs used for medical purposes. He understood that, under that clause, safeguards concerning the distribution of drugs by scientific institutions would be left to governments, but that fact was not clearly stated.

His government considered that the matters dealt with in the remaining paragraphs of article 41 should be left to the discretion of governments or should at least be put in the form of recommendations. The deletion of those paragraphs might even diminish the need for two separate schedules. While he did not deny that every means should be used to fight the illicit traffic and addiction, he thought that the matters dealt with in the remaining paragraphs should not be decided at the international level because they touched on the principles underlying the distribution and dispensing of medicine in each country. Should the Conference decide, however, to maintain those paragraphs either in the mandatory form or as recommendations, paragraphs 5 and 6 should be amended to indicate that they applied only to retail trade and distribution. Lastly, in paragraph 5, the double red band was required to appear on "any package containing a drug . . . but not on the exterior wrapping in which such package is consigned", a phrase which might lead to misunderstandings if the package was sold in only one wrapping.

Mrs. CAMPOMANES (Philippines) said that her government believed that the use of counterfoil books should be recommended rather than required. It was giving serious study to the use of official forms, since false prescriptions were one source of leakage.

Mr. CHA (China) said that his delegation attached great importance to the use of prescription forms which would not permit persons engaged in the illicit traffic or trade to furnish drugs to addicts. Official prescription forms would serve that purpose. If insistence on a mandatory requirement should prevent some governments from agreeing to paragraph 2 (b), his delegation would agree to a recommendation instead.

With respect to paragraph 3, he thought that WHO

had done useful work in establishing international non-proprietary names and should be asked to render services of that kind to the Commission and interested governments in the future. Even where advertisements and other literature had been printed, the international non-proprietary names should be applied by rubber stamp, or the literature destroyed. However, since some delegations had difficulty in accepting paragraph 3 as a mandatory requirement, his delegation was prepared to have the paragraph redrafted in the form of a recommendation.

He shared the apprehension voiced by the Canadian representative with regard to paragraph 7.

Mr. ASIAM (Pakistan), while recognizing that the compulsory use of counterfoil prescription forms could prove extremely useful, thought that it might not be easy to achieve, especially as many countries had no experience with such forms. Consequently, he agreed that paragraph 2 (b) should be redrafted in the form of a recommendation.

On the other hand, his delegation firmly believed that paragraph 3 should remain in its mandatory form. It also could see no objection to retaining the compulsory requirement of a double red band in paragraph 5, since the marking would serve as further protection.

Mr. DE BAGGIO (United States of America), replying to statements made in support of the double red band requirement, said that a physician should know whether or not he was dispensing narcotic drugs without the aid of such markings, and since, in the United States at least, drugs were seldom if ever sold to patients in the original manufacturer's package, patients would not benefit from the requirement.

He shared the Canadian representative's concern about the apparent meaning of paragraph 7. His government would not like to be required to give up the controls it exercised over drugs listed in schedule II.

Mr. BUKOWSKI (Poland) said that each country had its particular experience and views regarding prescription forms. In Poland a physician was entitled to prescribe any drug and to use any kind of form. He was only required to state his name and that of his patient, and the prescriptions were retained by pharmacies and inspected by government agencies, when necessary. The system had been in use for thirty-five years and had proved entirely satisfactory. Consequently, he saw no need for introducing a new system with all its inherent difficulties. In his view, therefore, paragraph 2 (b) should be restated as a recommendation. However, his government approved the requirement in paragraph 3, and had already taken steps to comply with it.

Mr. NIKOLIC (Yugoslavia) noted that the United Kingdom representative, in opposing the double red band requirement, had cited the French representative's comment that there was very little illicit frontier traffic. The requirement of the red band, however, had not been proposed for the benefit of smugglers, but rather to facilitate the work of customs officials and doctors.

Mr. RODIONOV (Union of Soviet Socialist Republics) recalled that, in his general statement at the third meeting, he had urged that, while all governments should maintain strict controls, the Single Convention should not lay down detailed requirements regarding the internal measures to be taken by them. In his country prescriptions were written on special numbered forms. That system worked satisfactorily, and his delegation would therefore be able to accept paragraph 2 (b) without difficulty. But many delegations had asked that the provision be redrafted in the form of a recommendation, and his delegation thought that that should be done, in the interests of mutual co-operation, for it considered that the Convention would be an effective means of fighting the narcotics evil only if it was acceptable to all governments.

The red band requirement in paragraph 5 applied to international rather than to domestic controls. His country would have no difficulty in accepting that provision, since it always complied with the regulations of the countries importing its products. However, many countries had requested that the requirement be replaced by a recommendation, and his delegation was prepared to agree.

Mr. MAURTUA (Peru) formally proposed, as a drafting amendment that the reference to "therapeutic or scientific functions" in paragraph 1 (c) and the reference to information "of a scientific or technical nature" in article II, paragraph (f), should be co-ordinated. In his country, the word "scientific" referred to theory and research, whereas "therapeutic" referred to the application of theory in medicine and other fields.

The terms "Government purposes" and "Government stocks" were differently used in article 1 (m) and (n) and in articles 20, paragraph 4, and 21, paragraph 4. What did those terms mean in relation to the licensing provisions of article 41? Again, in view of the restrictive wording of article 41, paragraph 2 (a), it was not clear whether drugs could be accumulated by State enterprises for the purpose of scientific research. Those points should be clarified, so as to assist States in fulfilling their obligation to provide information under article 4, paragraph 2 (b).

Miss HARELI (Israel) said her delegation shared the view expressed by other delegations that paragraph 1 (b) (i) was too vague. She had listened attentively to the arguments in favour of using counterfoil prescription forms, but still thought that other methods might be equally effective. In Israel, the dispensers of drugs kept ledgers, and the system was perfectly satisfactory. Accordingly, the provisions concerning counterfoil prescriptions in paragraph 2 (b) should be redrafted as a recommendation. Nor was Israel in a position to accept the mandatory requirement in paragraph 3. Further, it was not clear whether paragraph 5 applied to international transit only, or to retail trade. Her delegation doubted that the red band would have a psychological effect on patients, since drugs were often dispensed by doctors, nurses and others, in which case the red band would not be seen by the patient. Pending

clarification her delegation therefore had to reserve its position on paragraph 5.

Mr. RABASA (Mexico) said that he agreed with the United Kingdom representative's criticisms of paragraph 1 (a). As the provision stood, the implication seemed to be that the only or normal means of keeping control over drugs was the establishment of a state monopoly. Such a system was alien to many States; and his delegation thought that the basic means of control should be a licensing system, without prejudice to the right of countries which so wished to use the state enterprise system. With regard to paragraph 2 (a), he endorsed the comment made by India (E/CONF.34/1) that, if any limitation on the accumulation of drugs was required, the Convention should provide more explicit criteria for deciding what amounts were to be considered excessive. His delegation had no difficulties with regard to paragraph 2 (b); his country used a system of official counterfoil books for prescription forms and was able thereby to maintain very efficient control.

Like the United Kingdom delegation, his delegation was concerned that the provisions of paragraph 3 should not interfere with the rights of manufacturers to use trade names. However, paragraph 4 seemed to make it clear that the international non-proprietary name was to be used in addition to, rather than in place of, the trade name; if that was the case, paragraphs 3 and 4 were acceptable.

Paragraph 5 was open to one practical objection: a clearly visible double band indicating that a package contained drugs would facilitate theft.

Dr. HALBACH (World Health Organization), referring to paragraph 2 (b), said that in 1956 WHO had conducted a survey on the question in a few countries and had found that the results obtained from the use of official prescription forms seemed to justify the use of such a system.

As to paragraph 3, he drew attention to a point which had been raised by several governments in their written comments, as well as in a footnote to the draft, regarding the final words "or, failing such communication, by the Commission". He felt that the words were unnecessary and in any case the sentence was badly drafted, since the question was not which body should communicate the name, but which body should decide what the name was to be.

With regard to the written comment by WHO on paragraph 7 (E/CONF.34/1), he said the reason for the suggestion that some of the provisions of the article should apply to drugs listed in schedule II was that the number of substances to be included therein seemed likely to grow; as more drugs were developed, the possibilities of abuse, and therefore the need for control, would increase.

Dr. MABILEAU (France) agreed that the words "or, failing such communication, by the Commission", in paragraph 3, should be deleted. The phrase had perhaps originally been included because delegations had been afraid that there would be some delay in the

authorization of international names by WHO; since that time, however, WHO had been able to speed up the process. The generalization of the use of agreed names was certainly desirable.

The PRESIDENT said that the discussion had shown that a working group would be needed to consider article 41.

Article 42 (International trade)

Mr. DE BAGGIO (United States of America) said that under United States law any consignment of drugs had to be accompanied by a duly authorized import certificate from the importing country, in addition to the export authorization; a requirement to that effect might perhaps be included in paragraph 11 of the article.

Mr. ATZENWILER (Permanent Central Opium Board) explained the Board's relevant suggestion in document E/CONF.34/1. The suggestion had been made because a case had arisen where a government had put forward the view that the absence of an estimate for a drug meant the absence of a limit.

Mr. TILAK RAJ (India) supported the suggestion made by the United States delegation regarding paragraph 11.

He would welcome some elucidation regarding the implication of the word "knowingly", in paragraph 1; that word was not used elsewhere in the draft Convention.

He recalled that article 32 stipulated that the parties should not permit the import of opium or poppy straw from a country not a party to the Convention. No similar restriction was to be found in article 42, and the question of including one should be considered.

Mr. WARREN (Australia) said that his delegation accepted the provisions of article 42 in principle. However, the requirement in paragraph 11 that transit countries should demand to see export authorizations seemed impracticable so far as Australia was concerned. No reporting of cargoes in transit was required there, and the customs authorities would have no way of knowing whether a consignment of drugs was included. He thought it was the responsibility of the importing country to exercise control over such consignments.

Mr. KRUYSSSE (Netherlands) asked whether the provision contained in paragraph 1 (b) was not a new one. There was a provision in the 1931 Convention that the imports of drugs into a country should not exceed the total of the estimates in any one year, but the limitation in the paragraph under discussion was "the total of the estimates for that country or territory". As it stood, the provision would rule out the possibility of importing amounts in excess of the total estimate even though the excess would be equalized during the year by the export of a corresponding amount of drugs. That common practice should be allowed for, and the provision should require that the total of the estimates was not exceeded over the year.

He recalled what he had said in his general statement at the second plenary meeting in connexion with the Benelux Customs Union; the absence of customs con-

trol amongst the three countries concerned would mean that the application of the provisions of the present article would not always be possible.

Mr. NIKOLIC (Yugoslavia) repeated the suggestion made in his general statement at the third plenary meeting that a provision should be included preventing the parties from importing drugs from countries not participating in the Convention, as was already the case for opium under article 32.

Mr. ATZENWILER (Permanent Central Opium Board) pointed out, in connexion with the Netherlands representative's statement on paragraph 1(b), that the 1931 Convention had required only the importing countries themselves to ensure that their estimates were not exceeded. Paragraph 1 of article 42 introduced for the first time an obligation on exporting countries not to permit the export of drugs to a country in excess of that country's estimates; however, if an importing country obtained drugs from a number of countries, it might be impossible for an exporting country to be sure that the limitation was being observed, and that was why the word "knowingly" had been included.

Mr. GREEN (United Kingdom) said that the alternatives in paragraph 3(a) should be placed in reverse order, as he had suggested in the case of the opening paragraphs of articles 40 and 41.

He found it hard to see the purpose of the United States suggestion that consignments should at all times be accompanied by import certificates; surely, an export certificate would not have been issued without the existence of an import certificate.

With regard to the Indian suggestion, supported by the Yugoslav representative, that trade should be restricted to countries which were parties to the Convention, as under article 32, he thought there was a difference between the two cases. The Convention contained special provisions regarding trade in opium which did not apply to manufactured drugs, and the proposed limitation on all trade in drugs seemed to him unjustified.

Dr. MABILEAU (France) said that his delegation was in favour of the article as a whole. With regard to paragraph 5, he said there should be clear provisions regarding the form to be used for import certificates, in order to prevent future doubts regarding the authenticity of documents.

The intention of paragraph 10 was good, but he wondered whether it would be enforceable in practice, particularly if the requirement that drugs be marked by a double red band (article 41, paragraph 5) was rejected.

Mr. ATZENWILER (Permanent Central Opium Board) agreed with the United Kingdom representative that paragraph 4(a) might need to be reworded; he drew attention to the apparent contradiction with paragraph 4(d).

Paragraph 5 provided that the form of import certificates should be approved both by the Board and by the Commission; he thought that the word "and"

in the last sentence should be replaced by the word "or", since the matter could be dealt with by one body.

Mr. DANNER (Federal Republic of Germany) reiterated his government's suggestion (E/CONF.34/1) regarding paragraph 10; that suggestion would provide for the possibility that an export authorization might be lost or destroyed by accident.

Mr. NIKOLIC (Yugoslavia) said that he could not follow the United Kingdom representative's argument that the restriction found in article 32 was justified, while a similar provision in article 42 would not be. He did not see why countries not parties to the Convention should have general freedom to export or import drugs.

Mr. KRUYSSSE (Netherlands) asked the representative of the PCOB whether the quantity of drugs exported to a country must always remain within the limits of the total estimates. Was a country permitted to sell to another country a quantity of a particular drug in excess of the relevant estimate, provided that the total imports did not exceed the total estimates for the year, taken as a whole?

Mr. ATZENWILER (Permanent Central Opium Board) explained that, already, under the 1931 Convention, an importing country was not permitted to order an amount exceeding its estimate for a particular drug. The new provision, as he had explained, laid an obligation on exporting countries.

Mr. LANDE (Deputy Executive Secretary) explained that under the existing system (article 12, paragraph 2, of the 1931 Convention), countries were not permitted to import more than was allowed to them in accordance with their estimates. It was doubtful whether there was a corresponding obligation on the exporting countries to respect the import maximum. It was in order to remove that doubt and to fill the gaps that paragraph 1(b) of article 42 had been introduced.

Mr. KRUYSSSE (Netherlands) expressed some doubt concerning the interpretation of paragraph 1(b). Article 12, paragraph 2, of the 1931 Convention stated clearly that the imports into any country should not exceed the estimates and the amount exported during the year, less the amount manufactured during the year. Under the proposed new provision, it was difficult to see how a country could import more than its estimates with the intention of re-exporting part of the amount imported, although that was normal current practice.

Agreeing with the Deputy Executive Secretary, he said it would be wise to include a reference to article 29, paragraph 1, in paragraph 1(b), thus making it clear that it related to the amounts for a whole year. Otherwise, a country wishing to buy large quantities of drugs for re-export to another country would be obliged to increase its estimates by that amount, which would be a misuse of the estimate system. The estimates were meant to represent only the expected consumption during the year.

Mr. ATZENWILER (Permanent Central Opium Board) explained that under the existing system, the amounts a country wished to re-export were added to its estimates, so that there was no real difficulty.

The suggestion that a reference to article 29 should be introduced to establish the desirable limits for imports under article 42, paragraph 1 (b), appeared to be an ideal solution; unfortunately, it was impracticable because the amounts were calculated on the basis of a number of factors, some of which were not known before the end of the year.

Mrs. CAMPOMANES (Philippines) pointed out that the quantities of drugs to be re-exported were taken into account when the estimates were being prepared. If a country required more of certain drugs than it had estimated, it could submit a supplementary estimate, as the Philippines had done on various occasions.

Mr. RODIONOV (Union of Soviet Socialist Republics) asked whether paragraph 1 (b) would be applicable to all countries or only to parties to the Convention. As his delegation had stressed on a previous occasion, the Convention should be open to accession by all countries, and the fact that paragraph 1 (b) referred only to parties to the Convention might prove an obstacle to the subsequent accession of certain countries.

Article 42 bis (Special provisions concerning the carriage of drugs in first-aid kits of railway trains, ships or aircraft engaged in international flight)

Article 43 (Measures of supervision and inspection)

Mr. ISMAIL (United Arab Republic), referring to article 43, paragraph 1 (b), said that it was not clear when the two-year period referred to in the second and third sentences would start. In the interests of accuracy and to facilitate supervision, he suggested that the words "starting from the last date of issue" might be added at the end of both sentences.

Mr. ARVESEN (Norway) said that he was in general agreement with the aims of article 42 *bis*, but he thought that the amounts of drugs to be carried by trains, ships or aircraft under paragraph 1 might be restricted to the amounts permissible under the laws of the country where the means of transport was registered. The provisions of article 42 *bis* should apply to ready-made first-aid kits for delivery to ships being built in countries other than those in which they were registered. It should also apply to first-aid kits on board the fully equipped life boats and life rafts imported by certain countries.

Mr. CHIKARAISHI (Japan) drew attention to the footnote to article 42 *bis*. He agreed with the United States that it was premature to deal with the matter and that, therefore, the article should not be included in the Convention for the time being.

Mr. DE BAGGIO (United States of America) said that the views of the United States Government had changed and it was willing to agree to the inclusion of the article if the Conference so wished.

Mr. GRIGORIADES (Greece) said that the words "in emergency cases", in square brackets in article 42 *bis*, paragraph 1, should be retained, as they provided an additional safeguard against the diversion of narcotics to the illicit traffic at the terminals or during the transit of trains, ships and aircraft.

Turning to article 43, paragraph 1 (b), he said that records should be preserved for five years rather than for only two. It was easier to observe the trends of the illicit traffic over a longer period and thus take appropriate measures to control it.

Mr. GREEN (United Kingdom) thought that a two-year period was sufficient, but nothing prevented governments from prescribing a longer period than that laid down in the Convention.

Referring to article 42 *bis*, he supported the inclusion of the words "in emergency cases" in paragraph 1. The expression "for first-aid purposes" would apply mainly to trains and aircraft, whereas emergency medical treatment would be given mainly on ships. In paragraph 2, he preferred the expression "improper use" to the word "abuse" and the word "agreement" to "consultation". The International Labour Organisation should be included among the organizations with which the Commission was to agree on safeguards. The words "without prejudice, however, to the right of the competent local authorities to carry out checks", in the first sentence of paragraph 3, might give the impression that the right referred to was new, which was not the case. He suggested that, to make the point clear, the first "the" should be replaced by the word "any".

Dr. MABILEAU (France) recalled that the question of the carriage of narcotic drugs in first-aid kits of aircraft engaged in international flight had been discussed by the Commission on Narcotic Drugs at its fifteenth session and that the Economic and Social Council had endorsed its recommendations in resolution 770 E (XXX). He asked whether article 42 *bis* had been brought into line with that resolution.

The word "scientists" might be dropped from article 43, paragraph 1 (b). First, genuine men of science did not like to be designated in that way and, secondly, records would normally be kept by institutions and hospitals, rather than by individuals.

Mr. LANDE (Deputy Executive Secretary) said that, before replying to the French representative, the Secretariat would like to study again Economic and Social Council resolution 770 E (XXX).

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Board favoured a simple and general wording for article 42 *bis*. A very detailed list of safeguards was to be found in Economic and Social Council resolution 770 E (XXX), and it had been suggested that a large number of different organizations should be consulted under paragraph 2 of the article. He thought that the redrafting would be better dealt with by the technical committee or a working group.

Mr. BITTENCOURT (Brazil) considered that narcotic drugs carried for first-aid purposes should be used in emergencies only, and therefore favoured the retention of the words "in emergency cases" in article 42 *bis*, paragraph 1. He also favoured the retention of the words "by country of register", and the alternatives "improper use" and "consultation", in paragraph 2.

Mr. CHIKARAISHI (Japan) said that the list of persons and institutions required to keep records under article 43, paragraph 1 (b), was incomplete and should be redrafted to include the persons mentioned in article 40, paragraph 3, and article 41, paragraph 2 (a). As it stood, the paragraph did not cover, for instance, medical practitioners in Japan.

Mr. ADJEPONG (Ghana) asked what was meant by the words "adequate qualifications" in article 43, paragraph 1 (a).

Mr. LANDE (Deputy Executive Secretary) said that the aim of that provision was not only to ensure proper control, but to protect the public. The expression "adequate qualifications" had been used in order to cover not only technical but moral qualifications. The standards were different in different countries, and it was therefore impossible to specify the qualifications themselves. The expression was somewhat vague but the international control organs would be able to judge whether the qualifications were satisfactory under the particular conditions of a particular country.

Mr. CURRAN (Canada) said that the provision had been framed to meet two requirements: first, to ensure that the licensees had the requisite qualifications to ensure effective implementation and, secondly, with a view to its application in a State enterprise system. As it stood, it might be interpreted to mean that only the supervisory personnel of such enterprises were required to have adequate qualifications, which was obviously not the intention. It should be redrafted to make it more realistic.

Mr. MAURTUA (Peru) felt that the word "adequate" in the expression "adequate qualifications" in article 43, paragraph 1 (a), might be replaced by the word "necessary". That would meet the Ghanaian representative's point. He was not happy about the expression "effective and faithful implementation", which combined two different ideas. He suggested that it might be replaced by the expression "strict implementation".

Mr. CHA (China) asked for clarification regarding the last sentence of article 42 *bis*, paragraph 3. It seemed to conflict with article 41, paragraph 2 (b). Was it really the intention to allow members of the crews of ships and aircraft to administer narcotic drugs without prescription?

Mr. LANDE (Deputy Executive Secretary) said that there could be emergency cases in aircraft and small boats when no doctor was available. There was a conflict then between the needs of the international control of narcotic drugs and the need to alleviate pain. The provision was designed to allow the admini-

stration of narcotics by persons with no medical qualifications when necessary in an emergency. The requirement of "proper safeguards", in paragraph 2, should be borne in mind; the safeguards to be recommended might require, for example, that some member of the crew must have training in the emergency administration of drugs, that only certain drugs could be administered, and so forth.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Conference would be well advised to consult the records of the discussion on the carriage of drugs in first-aid kits of aircraft which had taken place at the fifteenth session of the Commission on Narcotic Drugs before going any farther with its consideration of article 42 *bis*.

Dr. HALBACH (World Health Organization) agreed. The safeguards which the Commission on Narcotic Drugs had decided to recommend provided a very full answer to the Chinese representative's question.

Mr. JOHNSON (Liberia) pointed out, in connexion with the "proper safeguards" mentioned in article 42 *bis*, paragraph 2, that there might be difficulty in implementing the regulations because the country of registry was not necessarily the country in which the ship was owned.

Article 25 (Special administration)

Mr. RODIONOV (Union of Soviet Socialist Republics) said that in many countries several different authorities were responsible for controlling the traffic in and use of narcotic drugs. It would therefore be unreasonable to expect those countries to create a special administration, as prescribed in article 25. If the existing arrangements ensured adequate control, there was no need to change them. Each country should decide for itself what steps were necessary to enable it to meet its obligations under the Convention; the creation of a special administration might not be necessary.

Mr. LANDE (Deputy Executive Secretary) said that the expression "special administration" did not necessarily mean a special organ, but that at least some means of co-ordinating the government authorities responsible for narcotics control should be established. The expression was used in article 15 of the 1931 Convention, and the League of Nations commentary on that Convention stated categorically that it did not mean a single authority (League of Nations document C.191.M.136.1937.XI.p.162). The Model Code drawn up by the League of Nations Opium Advisory Committee stated that a special administration did not need to be a single authority for the purposes of that article. However, recommendation I of the Conference which had adopted the 1931 Convention stated that in countries whose administrative structure allowed of such a procedure, the supervision of the trade in narcotics as a whole should be in the hands of a single authority. Without co-ordination at the national level, governments would be unable to fulfil, for example, their reporting obligations, and the international control organs often would

not reach the competent national department. Without such co-ordination at the national level, the international control of narcotics would be extremely difficult.

Mr. RODIONOV (Union of Soviet Socialist Republics) thanked the Deputy Executive Secretary for his explanation, which had made the situation perfectly clear. He regretted, however, that the Russian and French translations failed to reflect the point with equal clarity.

Mr. CHA (China) said that he had no objection to the principle of article 25, but the wording was unsatisfactory because the expression "special administration" was not self-explanatory. The Single Convention was intended to supersede the 1931 Convention, among others, and should not depend for its interpretation on explanations given in or in connexion with that Convention. The article should be redrafted to make the point clear to persons not conversant with the instruments that were to be superseded.

Mr. DE BAGGIO (United States of America) pointed out that it was clear from article 44, paragraph 2, that a special administration was not necessarily a single administration. Possibly the provision in that paragraph 2 might be placed in article 25.

Dr. MABILEAU (France) thought that article 25 could more conveniently be discussed in connexion with articles 44 to 46. He therefore proposed that its consideration should be deferred until the Conference took up those articles.

Mr. TALIK RAJ (India) supported that proposal.

Mr. KRUYSSSE (Netherlands) said that his country made a clear distinction between the administration referred to in article 25 and that covered by article 44. The latter article was concerned with the police aspects of international co-operation, whereas article 25 dealt with national co-ordination. It was unlikely that the same authority would be dealing with both matters in most countries, but he had no objection to discussing the two matters together if the Conference so wished.

The CHAIRMAN suggested that the Conference should defer its consideration of article 25, as proposed by the French representative.

It was so agreed.

The PRESIDENT suggested that the *ad hoc* committee to which articles 30 and 40 to 43 were to be referred should be composed of the representatives of Australia, Brazil, Canada, China, the Republic of the Congo (Leopoldville), Denmark, France, the Federal Republic of Germany, Ghana, Guatemala, Hungary, India, Indonesia, Iran, Israel, Japan, Liberia, the Netherlands, New Zealand, Pakistan, Sweden, Switzerland, Turkey, The Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Venezuela.

It was so agreed.

The meeting rose at 5.55 p.m.

NINTH PLENARY MEETING

Wednesday, 1 February 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2; E/CONF.34/L.2) (continued)

Article 31 (National opium agencies)

Article 32 (Restrictions on international trade in opium and poppy straw)

Article 33 (Limitation of stocks)

Article 34 (Disposal of confiscated opium and poppy straw)

Mr. VERTES (Hungary), commenting on the provisions concerning the opium poppy and poppy straw, said that it was surprising that the draft Convention included provisions relating to poppy straw, which could not be regarded as a narcotic.

As was generally known, only during the past thirty years had poppy straw been used for the manufacture of alkaloids. Not until 1955 had proposals been made to place poppy straw under control.

It was important to note that poppies were cultivated to obtain opium or seeds and never to obtain poppy straw alone.

The primary purpose of the Convention was to prevent possible abuses, and there had been no abuses in connexion with the use of poppy straw in Hungary. No cases of addiction due to poppy straw had been reported in Hungary or in the other countries where the poppy was cultivated for food purposes. Morphine addicts living in areas where the poppy was cultivated for food purposes never went so far as to consume poppy straw or concoctions made from it, since the morphine content of the straw was very small. Poppy heads were therefore innocuous from the point of view of addiction.

To the question whether there could be internal illicit traffic in poppy straw and whether it could be illicitly exported or imported, he would answer that any internal illicit traffic in poppy straw was unthinkable, for the straw was not used as a narcotic, and secondly it was too bulky to be smuggled across frontiers.

Could the straw be used for the illicit manufacture of alkaloids in clandestine factories or laboratories? His answer was that very large quantities of raw material would be required for the purpose and extensive storage facilities would be necessary. Very expensive equipment would also be needed. For example, using the Kabay process, which was one of the simplest, 700 to 800 kg of poppy heads would be needed to produce one kilogramme of morphine and the laboratory would cost between \$100,000 and \$1 million. The clandestine manufacturer could obtain a kilogramme of morphine much more

easily and at less cost by processing 9 kg. of opium. The illicit manufacture of alkaloids from poppy straw was thus practically ruled out. In that connexion he recalled the conclusions reached by the League of Nations Opium Section in 1934.

The implementation of certain provisions of the draft Convention would create difficulties for countries where the poppy was cultivated primarily for food or industrial purposes. In some European countries tens of thousands of hectares were used for poppy growing. In Hungary the annual consumption of poppy seeds was 5,000 tons, or one pound per head of the population.

Under the control system proposed, the countries concerned would have to mobilize a large number of vehicles to carry the entire poppy straw crop to a single factory for processing. Huge storage facilities would be required. The consequence of the control measures affecting growers and of the difficulties to which he had referred in connexion with the manufacture of alkaloids would inevitably be the reduction or complete disappearance of poppy growing. Unnecessary restrictions, involving a costly control system, could not be allowed to endanger the almost traditional use of the poppy for food purposes and to cause financial harm to the growers.

It was essential that poppy growing should be continued both for food purposes and for the manufacture of alkaloids. Poppy straw had great advantages when compared with opium; there had never been an illicit traffic in poppy straw, whereas substantial amounts of clandestine opium were confiscated every year.

For some years the world opium production had been insufficient to satisfy demand for alkaloids for medical and scientific purposes. Without the manufacture of alkaloids from poppy straw, it would have been impossible to fill the world's needs particularly for morphine and codeine. The productive capacity of countries which manufactured alkaloids from poppy straw should therefore be maintained; since the demand was rising steadily, despite the introduction of many synthetic narcotics. The alternative might well be a considerable rise in the price of alkaloids. He emphasized that in the case of poppy straw control was unnecessary until the factory stage, where alkaloids were manufactured, and that it was therefore less expensive. It might be said that if that manufacturing process did not exist it would have to be invented.

In that connexion he referred to the comments of the United Kingdom with regard to the manufacture of alkaloids from poppy straw and also the opinions expressed by the Permanent Central Opium Board and the Drug Supervisory Body (E/CONF.34/1).

The Hungarian delegation could not agree to the provisions relating to poppy straw. The Convention would be exceeding its objectives if it set up a control system for a plant which involved no danger of addiction. His delegation considered that the unnecessary provisions should be deleted or that some of them should be amended. It maintained all the reservations that its government had made with regard to the provisions relating to poppy straw.

Mr. NIKOLIC (Yugoslavia) recalled that at the 1953 Conference the provisions relating to poppy straw had been adopted by a majority of only one vote. Poppy straw was not used by addicts in Yugoslavia and, for the reasons stated by the Hungarian representative, it would be impracticable to use it for the illicit manufacture of morphine. The provisions of article 31 could not be applied and should be deleted. Provision might be made for strict control over exports and imports.

On the other hand, the production of "poppy paste" should be subject to control. The *ad hoc* committee might consider provisions to that effect.

Mr. ADJEPONG (Ghana) thought that the list of States in article 32, paragraph 1 (a), should be deleted. Opium production should be very strictly controlled within the countries; it might be entrusted to a state enterprise, but should not become a monopoly. It was inadmissible that only certain privileged countries should be allowed to produce opium. After the list of countries had been deleted, sub-paragraphs (a) and (b) might be combined.

Lastly, he thought the *ad hoc* committee might consider the possibility of including a provision in article 32 relating to price control.

Mr. CERNIK (Czechoslovakia) agreed with the Hungarian representative that it would be impossible to apply the provisions of article 31 relating to the designation by government agencies of areas in which cultivation of the poppy would be permitted. Poppies were grown in Czechoslovakia solely for the seeds, which were used for food purposes and for the extraction of oil. There had been no cases of the illicit production of poppy straw for many years and the processes used to produce opium from the straw were complicated and expensive. Further, as poppies were usually grown by farm co-operatives, which were state enterprises, control presented no difficulty. In any case, the toxic content of the poppy straw produced in Czechoslovakia was low.

The conditions under which poppy straw was grown and the purposes differed from country to country. The provisions of article 31 would not *per se* eradicate the illicit traffic; that could be achieved only by strict control within each country. The Convention should not contain provisions unacceptable to many countries. Such provisions would be the subject of reservations and would hamper rather than promote international co-operation in the matter of narcotics control. For those reasons article 31 should be deleted.

Mr. KRUYSSSE (Netherlands) said that in the Netherlands, as in Czechoslovakia, poppies were grown for seeds and for oil. It was virtually impossible to determine the area used for poppy growing, and the provisions of article 31 would therefore be difficult to apply. The provisions were in any case unjustified, since there was no illicit traffic in poppy straw.

He recalled the control measures for poppy straw provided for in the 1953 Protocol. There was certainly no need to go any further in the matter. Provision might be made for import and export licences, as in the case of other raw materials. Control was necessary at the selling stage, as technical advances had to be taken into

account. Only about 25 per cent of the current authorized production of morphine was based on poppy straw, but if simpler processes of extraction were developed the percentage might increase. He agreed with the Yugoslav representative that the *ad hoc* committee might consider provisions for the control of "poppy paste".

It was not desirable to limit the number of countries producing opium and poppy straw. In that connexion he drew attention to the comments submitted by his Government (E/CONF.34/1). The Single Convention would remain in force for a long time, and opium requirements would increase with the progress of medicine throughout the world. Provision should therefore be made for amending the list of producing countries if the need arose. Countries which had been exporting poppy capsules for many years should not be prevented from continuing to do so.

Mr. GRINBERG (Bulgaria) said that the situation in his country was similar to that in Hungary. The poppy straw grown in Bulgaria had only a small opium alkaloid content and it would not be economic to process it industrially. The straw was destroyed by the growers as waste. In the light of those facts he believed that the provisions of chapter VIII and of the other articles of the Convention relating to poppy straw should be amended.

U TIN MAUNG (Burma) said that the poppy was still being grown temporarily on the frontiers of Burma, but that the Government intended to prohibit poppy cultivation completely. Meanwhile it would make a reservation under article 56, paragraph 2 (e). The poppy straw was not used for the manufacture of drugs. It was regarded as waste and destroyed by the growers. Poppy straw itself was not addiction producing. If it had to be delivered, as provided for in article 31, to a national agency, the transport difficulties and costs would be out of all proportion to the advantages to be gained. The provisions of article 31 should be deleted.

With regard to article 32, he said his Government could not accept the restrictive list of producers appearing in paragraph 1. As his Government had stated in its comments, considerable quantities of opium resulting from illicit traffic had been seized in Burma and the Government wished to sell the opium seized to importing countries for exclusively medical and scientific purposes. It hoped accordingly that article 32, paragraph 1 (a) would be amended and that Burma would be included in the list of exporting countries.

Mr. GREGORIADES (Greece) considered that the control of poppy straw should begin only at the manufacturing stage where alkaloids were extracted. For technical reasons there could not be any illicit traffic in poppy straw. Most growers used the straw for quite different purposes. He therefore suggested that the Conference should only consider international control of substances extracted from poppy straw.

Mr. GREEN (United Kingdom) referring to his government's comments on the provisions concerning poppy straw, said that the provisions would be impracticable and unduly expensive to apply.

With regard to article 32 he said that the United Kingdom had always believed that there was no reason to place certain countries in a privileged position in the matter of opium production; the entire article should be dropped. Its provisions were based on those of the 1953 Protocol which had been adopted as a means of curbing over-production, in view of the impossibility of establishing an opium monopoly. That risk no longer existed, and importing countries like the United Kingdom were justifiably concerned at the prospect of a system which might endanger their supplies.

It had been said that it would be dangerous to delete article 32, because then any country would be able to produce and export opium. That risk seemed hypothetical. There was nothing to prevent any country from producing and exporting opium. In fact the States mentioned in article 32, paragraph 1 (a) were practically, the only opium producers and only Turkey and India were large-scale exporters. There was no evidence of any change in that situation, particularly in view of the increasingly common use of synthetic drugs, and it was unlikely that a country which did not produce opium for its own requirements would wish to produce it for export.

With regard to Burma, which, although not a producing country, had large stocks of seized opium, he said that any fears that, if article 32 was deleted the governments of countries where control of the illicit traffic was difficult might seize large quantities of opium and re-sell them at a profit, were groundless. Increased technical assistance was planned to facilitate control of the illicit traffic, and the control measures would undoubtedly be steadily improved. On the whole, therefore, it would seem that article 32 could be deleted without difficulty.

Mr. ACBA (Turkey) said he had always thought that poppy straw should be placed under control just like any other raw material. Poppy straw was not as yet traded in the illicit traffic, but there was no evidence that it never would be. Some day very simple methods of manufacturing morphine within the capacity of traffickers might be developed; the danger would then arise and the Convention should make provision for it.

The Hungarian representative had said that world demand for morphine was growing constantly and that before long morphine would have to be made from poppy straw. In reality, the opium-producing countries had voluntarily reduced their productive capacity by half with the object of avoiding abuses. If scientific and medical needs increased, they would be able to step up their output greatly.

With regard to article 32, he recalled that the essential purpose of the Single Convention was to combat the illicit traffic and drug addiction. For that purpose the best means was to prevent over-production through an efficient control system. That could not be done without limiting the areas cultivated. Paragraph 1 (a) was the cornerstone of the Convention. The countries enumerated in that paragraph were those which had always produced opium and poppy straw and were the best equipped to do so with proper controls. The fears expressed concerning a possible monopoly in opium production

were without foundation. No such monopoly had ever existed and none could materialize in the future. However, as further proof of the goodwill and the spirit of conciliation which had always guided his country, he was proposing an amendment to paragraph 1 (a) of article 32 (E/CONF.34/L.2). The first part would permit countries which, like Afghanistan and Iran, had voluntarily ceased to produce opium to resume production automatically at their mere request. The second part provided for machinery which would forestall any risk of a monopoly or any shortage in the raw materials used for the licit world production of narcotic drugs.

Mr. SHADOURSKY (Byelorussian Soviet Socialist Republic) said that a clear distinction should be drawn between the opium poppy and the oil poppy, which was widely used in his country both for the preparation of certain food products and for the extraction of oil. No alkaloids were extracted from the poppy straw, which was either burned or used for animal litter. Moreover, the type of installation necessary for the process, if it existed at all, would necessarily be in the hands of the State.

If control were as strict for poppy straw as for opium itself, some countries would hardly be able to ratify the Convention. His own delegation could not agree to such control; its objection extended to all cases in which a strict control of poppy straw was proposed. In Byelorussia, the control of opium and its alkaloids was sufficiently strict to prevent any illicit traffic in that substance. Any attempt to control the cultivation of the poppy would meet with virtually insurmountable difficulties and the cost of producing poppy seeds and poppy oil would rise very considerably. Surely, it was not necessary to create a problem where none existed.

It was essential that the Convention should be acceptable to all countries. It would therefore be better to omit the provisions relating to poppy straw, which would deter some countries from acceding, just as in the case of the 1953 Protocol, where the question had been raised for the first time.

Mr. DANNER (Federal Republic of Germany) fully shared the Hungarian representative's views on poppy straw and agreed that the provisions of articles 31 to 33 could not be applied to it. Besides, the control system governing the production of alkaloids from poppy straw had been proved to be sufficiently effective to combat its illicit use.

Mr. RODIONOV (Union of Soviet Socialist Republics) also thought that the control measures governing the production of opium should not be extended to poppy straw and hence that all mention of that substance should be deleted from articles 31 and 32. With regard more particularly to article 31, paragraph 2 (d), he said it might be difficult, if not physically impossible, for the government agencies to stock large quantities of straw.

As far as article 32, paragraph 1 (a), was concerned, the Soviet Union had already emphasized, in its comments and elsewhere, that that provision conflicted with the principle of the equality and sovereignty of States. It violated General Assembly resolution 626 (VII), which

recognized that right and recommended all Member States to refrain from acts designed to impede the exercise of the sovereignty of any State over its natural resources. That right had been reaffirmed by the General Assembly at its fifteenth session in the declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)). The provision in question might be justified if it had any bearing on the fight against the illicit traffic. But in practice, the opium which entered the illicit traffic was either cultivated in remote regions or supplied by growers who possessed a licence but diverted a part of their crop to illicit channels. If all States could apply truly effective control measures, the problem would be solved much more surely than by limiting the number of producing countries. Moreover, the Convention in no way prohibited the parties from producing opium for their own needs. It could even be said that any country with a suitable soil and climate could theoretically cultivate opium whether or not it was included in the list. The essential need, therefore, was for effective national control.

Secondly, article 32, paragraph 1 (b), might have the effect of depriving the signatory countries of the opium they needed for medical and scientific purposes. If it acceded to the Convention, the USSR, which with the knowledge of the international control organs concerned has imported raw opium since 1957, would have to discontinue its imports from certain countries if the Convention did not apply to them.

To sum up, the provisions of articles 31 and 32 would do much to harm international co-operation in the matter of narcotic drugs, because they would prevent certain countries from acceding to the Convention, which would thus lose a great deal of its efficacy and its universality.

Mr. ASLAM (Pakistan) said that his country produced a small quantity of opium — not enough to cover even its own domestic needs. But if necessary, production could certainly be expanded and could provide a margin for export. It was not clear, therefore, why the right to export opium should be limited to a specified number of countries. The reason why over-production of opium had ceased was not, as the representative of Turkey had said, that countries had been moved by a spirit of goodwill, but rather that they were bound by international agreements which limited exportable quantities and specified their purposes. Furthermore, opium tended more and more to be replaced by synthetic drugs and it was becoming less and less profitable for countries to expand their opium output. The representative of the Soviet Union had said quite rightly that if each country took stricter control measures the risk of illicit traffic would be considerably reduced. It was questionable how the limitation of exports alone would reduce that risk, or for that matter the danger of over-production, if countries could still produce opium for their own needs.

He would submit amendments in the *ad hoc* committee and would even agree with the United Kingdom representative that the provisions in question should be deleted altogether.

Mr. DE BAGGIO (United States of America) said there appeared to be considerable misgivings with regard to

the provisions concerning poppy straw, since opinions differed as to the stage at which control should be imposed. In his view, the definition of the substance in question was not entirely satisfactory. The United States government took the view that the provisions in question should all be maintained. Nevertheless, as it appeared impossible to reach agreement on the subject, his delegation would be willing to agree to certain amendments, as for example a stipulation that control should apply to poppy paste. On the other hand, it was desirable to draft provisions covering the international trade in poppy straw, for the only purpose for which a country could conceivably want to import poppy straw was to extract the morphine.

Secondly, one of the best means of ensuring control was undoubtedly to enforce very strict curbs or even to prohibit a substance entirely. Perhaps a basic provision should be added in article 31 recommending that any country which thought it advisable to prohibit the production of poppy straw should do so. His own government would like to be able to promulgate such a ban, but to do so would raise a constitutional problem if there was no international agreement on which such action could be based. The suggested clause could be worded in the same way as article 35, paragraph 1, governing the cultivation of the coca bush.

Finally, with regard to the provisions of article 31 he said that his government would prefer that countries should have the choice between the agency system and the "designated licensee" system, which was the usual procedure in the United States.

Mr. TILAK RAJ (India) said he did not understand the trend towards a weakening of control in the case of poppy straw, which was unquestionably a dangerous substance. Although the control did not necessarily have to be so strict as in the case of opium, it should nevertheless be maintained for all types of opium poppy, regardless of the purpose for which it was cultivated. After all, poppy straw was the base of 20 to 25 per cent of the licit morphine production, and opium alkaloids could also be illicitly extracted from the straw. Similarly, if opium paste was obtained from poppy straw for licit purposes it could likewise be extracted for illicit purposes. The object of the Convention was to reduce addiction and the illicit traffic as much as possible; it was hardly logical, therefore, to oppose a fairly strict control over poppy straw, since to be effective control should be imposed on all harmful substances. India went to great expense to control vast areas planted with poppies. Poppy straw should be treated in exactly the same way as the cannabis plant and the coca bush, for it was just as dangerous. In India it had even been found that the empty capsules were used by addicts and for that reason the capsules were subject to the same control as opium itself.

The limitation on the number of countries producing for export would certainly be in the general interest of all the countries. The fewer producing countries there were, the less would be the risk of contraband. It took a producing country many years to set up the necessary control system, and the risks of evasion and diversion were greatest in the initial stages of production. Discount-

ing Afghanistan and Iran, six countries were still producing for export. The supply was surely sufficient to meet medical and scientific requirements, and their production could of course be expanded if necessary. That had been done by India.

The right of every State freely to exploit its natural resources was very important, but a product as dangerous as opium could hardly be regarded as an ordinary commodity. As far as the risk of monopoly was concerned, he said that what mattered above all was effective control, and there was strong evidence that the countries authorized to produce opium for export would not abuse that privilege.

He would study carefully the amendment submitted by the representative of Turkey. He noted that when at the tenth session of the Commission on Narcotic Drugs the representative of India had supported the inclusion of Afghanistan in the list, the representative of the United Kingdom had expressed opposition, but he appeared to have changed his views in the meantime. Furthermore, the Convention did not affect the position of countries which produced opium for their own use. Finally, as his delegation had pointed out in the earlier debate on article 42, it was to be regretted that article 42 did not include a provision similar to that in article 18 of the 1925 Convention or to article 32, paragraph 1(b), of the Single Convention. That provision was essential and should be maintained.

The meeting rose at 1 p.m.

TENTH PLENARY MEETING

Thursday, 2 February 1961, at 10.40. a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 and 2; E/CONF.34/L.2)
(continued)

Article 31 (National opium agencies)

Article 32 (Restrictions on international trade in opium and poppy straw)

Article 33 (Limitation of stocks)

Article 34 (Disposal of confiscated opium and poppy straw) (continued)

Mr. DE BAGGIO (United States of America) said that, after reflection and consultations, his delegation withdrew the suggestion it had made at the ninth meeting concerning article 31, paragraph 2.

Mr. VERTES (Hungary) said that since the great majority of States were opposed to the control of poppy straw, his delegation formally proposed, in order to facilitate subsequent discussion, that the expression "poppy straw" should be deleted from articles 31 to 34.

Dr. MABILEAU (France) recalled that, in his general statement, he had urged that the Convention should provide for the strict control of raw materials. However, such control should be both capable of being applied and adequate. It was not a question of discriminatory measures; it was simply that different types of risk should be treated in a different manner. Alkaloids could be extracted from poppy straw, from poppy extract or from opium. Hence to determine what quantities of raw material were used, control measures should surely begin at the door of the factory where the alkaloids were extracted. International trade should also be controlled and made subject to declarations. Poppy straw, oil poppy straw in particular, had the great advantage of not being in itself a narcotic drug nor easily convertible into one by traffickers or addicts, and for that reason did not constitute a social danger. The extraction of phenanthrenic alkaloids from opium was a convenient process for the manufacturers, but obsolete and dangerous. The process was used only because there were still countries with a low standard of living, or because sufficient progress had not yet been made to enable them to extract alkaloids directly from the plant. Once they were able to do so, all the opium produced might be suspected of being put to illicit use. Moreover, poppy straw extract might some day take the place of opium and therefore required to be very strictly controlled. However, it had the advantage of being an industrial product and could therefore be controlled much more easily. Rapid progress was being made towards the utilization of that raw material; several countries were working together to develop a type of plant which would be as satisfactory as possible from every point of view.

With regard to article 32, he said the situation had changed greatly in the last ten years. At one time it would have been desirable to limit severely the number of producing countries; in modern times virtually only two countries remained that produced for export. Several delegations had suggested that the provisions of paragraph 1 should be deleted. However, respect for the right of each State to export and produce opium freely should not mean going from one extreme to another. He suggested it might be stipulated that, if a State wished to produce opium for export, it should transmit a declaration to that effect to the Secretary-General of the United Nations, and the declaration would be duly registered and published. The closed list would then become an open list, and if a country decided to produce opium it would be accepting its responsibility openly.

Mr. CURRAN (Canada) said that provisions which were burdensome without serving any very useful purpose should not be imposed on countries. He tended to favour the proposal made by the United States representative that control should be exercised over poppy straw actually converted into a narcotic drug, in other words poppy paste. He also shared the view expressed by the United States representative concerning the control of opium poppy cultivation.

Mr. TABIBI (Afghanistan) approved without reservation the provisions of article 31; experience in his country had demonstrated how useful such a government

agency could be. In fact, before poppy cultivation had been prohibited in Afghanistan, a model law had been adopted, the enforcement of which had been entrusted to a department of the Ministry of Economic Affairs. The government agency was a monopoly and its functions corresponded exactly to those laid down in article 31.

He also approved the provisions of article 32. In Afghanistan, traditionally an opium-producing country, the cultivation and exportation of opium had been prohibited since 1957. Although there had been no question of reversing that decision, his country wished to maintain its international rights as a traditional opium-producing country. That had been emphasized at the thirteenth session of the Commission on Narcotic Drugs and in the Comments. The Afghan law prohibiting the cultivation of opium should be regarded as an internal decision, and Afghanistan's international rights should be recognized by the Convention.

His delegation supported the Turkish delegation's amendment to article 32, paragraph 1 (a), as it would eliminate the risk of one or two countries having a quasi-monopoly of opium production.

With regard to articles 33 and 34, he said the *ad hoc* committee and the Drafting Committee should endeavour to eliminate all ambiguities from those important provisions.

Mr. CERNIK (Czechoslovakia) said that the provisions of article 32, paragraph 1 (a) and (b), were not in keeping with the principle of the sovereign equality of States and did not respect their right freely to exploit their natural resources and to participate as they saw fit in international trade. Those provisions should therefore be deleted; there was no justification for the restrictions which they imposed. If all the proposed controls were actually applied, there would be no danger of illicit traffic or abuse in the opium and poppy straw trade.

Article 33 should be deleted. It would not be practical to restrict stocks by reference to a certain period, and inaccuracies might arise, as the volume of consumption and exports depended on factors which could not be foreseen. Furthermore, the provision was no substitute for effective controls in eliminating the danger of illicit traffic. It impaired the right of every State to build up stocks according to its needs. In any case, the proposed period of two years was too short.

His delegation agreed with the Hungarian representative that all references to poppy straw should be omitted from articles 31 to 34. That was the best method of improving the text and forestalling many objections.

Mr. AZARAKHSH (Iran) said that since the nineteenth century his country had been a large-scale producer of opium for the international market; it had been one of the thirteen countries on the Shanghai Commission. Opium had been an important source of foreign exchange for Iran and many of its inhabitants had been engaged in cultivating or trading in opium. A state monopoly had existed for thirty years, and poppy cultivation had been restricted, being authorized only under government licence, but it had not ceased to be important.

Nevertheless, opium had always been regarded in Iran as a danger to public health. Hence the Iranian Government had decided to forgo the advantages it could derive from opium and to root out the evil. A first law had been enacted in 1955, and since 1956 the lawful trade in opium of Iranian origin had ceased on the world market. The consequential loss of income suffered by Iran had been estimated by FAO at \$30 million per year, exclusive of the sums needed for the enforcement of the law and policing as well as large amounts paid to informers or persons discovering illicit opium. But that loss was negligible when compared with the advantages for the health and prosperity of the population. A second law enacted in 1959 provided very severe penalties against smugglers, with fines up to \$4,000 per kilogramme of heroin seized. In addition, special hospitals had been established for drug addicts. In six years, more than 165,000 addicts had been treated and more than 25,000 offenders had appeared before the courts. The struggle was a truly heroic one, and Iran needed the co-operation of all the other countries in order to succeed in its crusade against opium.

Those who argued in favour of deleting article 32 had cited certain universally accepted principles such as that of the equality of States. But the real issue was the cultivation of a dangerous poison which was a great evil for mankind. There should be equality first and foremost in physical and moral health and happiness. To ensure that equality, very strict measures were needed. Moreover, any country which voluntarily accepted the provisions of an international convention was acting in the exercise of its sovereignty. The danger of over-production had been recognized as early as the 1931 Conference. The current opium production was quite adequate to satisfy medical needs and even those of millions of addicts. The position would be serious if still more countries could produce opium, and the aim of the Conference was precisely to reduce production so as to help the campaign against addiction.

At the thirteenth session of the Commission on Narcotic Drugs, the Government of Afghanistan had stated, through its observer, that it did not think it necessary for the moment that Afghanistan should be listed as one of the States producing opium for export. That problem, which had been of great concern to Iran, had thus been settled in 1958. But the question had been reopened, and the Iranian delegation was reluctantly compelled to request that the name of Afghanistan be deleted from article 32. Actually, the position of Iran was very different from Afghanistan's. Iran had always been a large-scale producer and exporter of opium, and Afghanistan had not. Moreover, the aim of the Convention was to unify, codify and simplify the existing instruments, and the name of Afghanistan did not appear in the 1953 Protocol. Afghanistan itself had waived the inclusion of its name in the list. Lastly, Afghan law prohibited the export of opium, whereas Iranian law prohibited the cultivation, import, purchase and possession of opium. In the general interest, Iran was making great sacrifices in the campaign against opium, and the campaign was particularly difficult on the frontiers. If Afghanistan was once again consid-

ered as an exporting country, Iran's task would become still more difficult, if not impossible. The representative of Afghanistan had said that his Government's action in the field of narcotic drugs had always been inspired by humanitarian motives. The Iranian delegation hoped therefore that, in conformity with what it had stated at the thirteenth session of the Commission, Afghanistan would ask for its name to be deleted from article 32.

Mr. LIANG (China), referring to article 31, said that China was one of the countries where drug addiction caused the greatest havoc. Severe laws prohibited the cultivation of the opium poppy, whether for its capsules or for poppy straw or poppy paste, and even all uses of the opium poppy. Not unnaturally, his delegation accordingly supported the draft provisions concerning poppy straw.

He thought that poppy straw was an important source of morphine. What needed to be controlled was the manufacture of opium alkaloids. Apparently, certain delegations were not very serious about filling the gaps in the control of narcotic drugs by placing poppy straw under control. He had been most interested to hear the suggestion, made at the ninth meeting by the United States representative, that at the national level poppy paste should be controlled rather than poppy straw. Only the international trade in poppy straw would be controlled. That might indeed be a solution, because if the provisions were so amended, no party would be prevented from applying stricter measures to poppy straw.

Mr. GREGORIADES (Greece), referring to article 32, paragraph 1 (a), said that strict control measures were desirable and that the provision should therefore be retained. Some delegations had thought that the paragraph, at least as drafted, meant that countries not mentioned on the list would be debarred from exporting opium or poppy straw. But the draft amendment submitted by Turkey should dispel any such fears; its adoption would enable other countries to be added to the list. Since so many restrictions were already imposed on the countries which exported opium or poppy straw, it would be only natural to show equal caution in the addition of further countries to the list of exporters.

The cultivation of the opium poppy, particularly for export, should not be regarded as the exploitation of natural resources. It was an extremely dangerous substance which needed to be controlled in the general interest.

With regard to article 34, paragraph 5 (a), he thought that the opium or poppy straw confiscated by the competent national authorities should be destroyed. That was the practice in Greece. The reason why he was proposing an amendment to paragraph 5 (a) was that the opium or poppy straw confiscated came as a rule from the illicit traffic and was in excess of the quota allocated to the country, and consequently of the international quota which was being controlled.

Mr. ISMAIL (United Arab Republic) agreed with the views expressed by the representatives of the United

States, India and China. The United Arab Republic, as one of the countries plagued by the opium evil, was in favour of some kind of control of poppy straw and poppy paste as possible sources of morphine and other alkaloids. It was also necessary to prevent all illicit traffic in opium. That was a matter which could be studied by the *ad hoc* committee or the drafting committee.

Mr. GRINBERG (Bulgaria) said that Bulgaria was mentioned in the list in article 32, paragraph 1 (a). But the countries listed should not be in a privileged position, for that would be in conflict with the principle of the equal rights of States. Furthermore, the provisions of paragraph 1 (a) would certainly create difficulties, first because some countries would not be parties to the Convention and secondly because others might cease to produce opium and poppy straw, with the result that a monopoly would be formed which would affect prices. It would be better to provide for strict control at the national level than to reduce the number of producing countries.

Bulgaria was opposed to the provisions of article 32, paragraph 1 (b), because they would introduce discrimination between countries and would prevent some countries from acceding to the Convention. Moreover, the parties would no longer be able to maintain normal trade relations with other countries. The clause in question should therefore be amended.

Article 33 was unnecessary. A control system which would be more than adequate to combat the illicit traffic and abuses was laid down by other provisions of the draft Convention. There was no sound reason for stipulating a limitation of stocks of opium.

Mr. NIKOLIC (Yugoslavia) said he would argue neither for nor against article 32. In 1953, a similar conference had been held under the auspices of the United Nations and had adopted a Protocol providing for the limitation of opium production. In 1961, the majority of delegations wished to undo what they had done in 1953. At that time the Yugoslav delegation had been convinced that to limit the number of importing and producing countries would be a constructive step and would help to reduce the international illicit traffic. So far as the limitation of manufacture was concerned, the 1953 Protocol corresponded to the 1931 Convention.

According to the United Kingdom representative, it had been logical to introduce measures of control in 1953 because at that time opium production had been excessive. According to that argument, since currently there was a shortage of opium, there was no reason for not setting aside the 1953 Protocol, there being no longer any surplus. In fact, however, the ideas of over-production or shortages of opium were very elastic. From his personal experience of the proceedings at the United Nations Commission on Narcotic Drugs, he could say that whenever opium traffic was discussed, it was attributed to over-production. Actually, opium cultivation was an uncertain business and it was impossible to judge from one year's harvest whether there was a shortage or over-production. Yugoslav production varied considerably. From an area of about 4,000 hectares the

average yearly production was 20 tons. But in 1949 it had been only about 500 kg and in 1960 about 40 tons. If opium production were used as a basis for deciding what controls there should be, it would be impossible to reach any conclusions.

Some delegations had spoken of "privilege" in connexion with article 32, which reproduced the provisions of article 6 of the 1953 Protocol. Yugoslavia did not consider itself to be privileged, since it exported only very small quantities. His delegation had agreed to article 6 of the 1953 Protocol in the belief that it was a constructive and humanitarian step and had never regarded its country as privileged.

The amendment submitted by the Turkish delegation should dispel the apprehensions expressed with regard to monopolies.

The Yugoslav delegation was prepared to accept the decision of the majority.

Mr. BERTSCHINGER (Switzerland), referring to article 31, said that in his country excess poppy straw was burned or used as litter for cattle. There was no traffic in it. Since it contained only 0.16 per cent of alkaloids, 100 kilogrammes would be required to manufacture 160 grammes of alkaloids.

From a psychological point of view the effect of the provisions of article 31 would be deplorable. If strict control measures were applied to poppy straw, many farmers would gain the impression that it contained valuable substances from which they could make an additional profit. The result would be to encourage illicit traffic. Either the provisions relating to poppy straw should be deleted, as proposed by the Hungarian representative, or a provision corresponding to article 4 (a) of the 1953 Protocol should be inserted, or else there should be international control over poppy straw and paste, as proposed by the United States representative.

With regard to article 32, paragraph 1 (b) and paragraph 2, he said that purchases of morphine and codeine were on the increase in some countries, despite the appearance of synthetic drugs. In recent years there had been bad harvests in two of the main exporting countries. If the number of exporting countries was limited it would no longer be possible to meet the needs for codeine. Furthermore, according to the statistics of the Permanent Central Opium Board, the limitation of the number of exporting countries would not be an adequate safeguard against illicit traffic. On the contrary, there was the danger that a country which was not authorized to export opium might seek illicit outlets. It could therefore be said that the 1953 Protocol was outdated.

The solution might perhaps lie in a compromise between the extreme course suggested by the United Kingdom delegation at the ninth meeting and the Turkish amendment.

U KYIN (Burma) thought that article 34, paragraph 1, should be amended. Confiscated opium should be allowed to be exported for medical and scientific purposes. According to paragraph 2, the parties could not use confiscated opium for the manufacture of drugs listed

in schedule I, but only for the manufacture of those listed in schedule II. In that connexion he observed that in his country there was a modern factory manufacturing pharmaceutical products from the narcotic drugs listed in schedules I and II. The parties should be allowed the right to manufacture the drugs listed in schedule I. Paragraph 2 should therefore be amended.

Mr. A. JOHNSON (Liberia) associated himself with the delegations which were opposed to article 32, paragraph 1 (a). International co-operation was undoubtedly desirable, but the provisions in question were an infringement of the sovereignty of States and implied a monopoly. That remark applied equally to article 32, paragraph 1 (b).

Mr. NONG KIMNY (Cambodia), referring to article 32, stated that imports of opium were authorized in Cambodia for medical purposes only. It was the policy of the Cambodian Government to help drug addicts, but its final aim was to eliminate addiction. Cambodia therefore considered that severe restrictions on the international trade in opium were necessary. In order to avoid a monopoly, the list in paragraph 1 (a) should not be exhaustive.

Mr. NAKAJIMA (Japan) considered that article 32, paragraph 1 (a), was not flexible enough. Its amendment would involve the long and complicated procedure described in article 54. Some simpler procedure for adding new names to the list should be worked out.

The restrictive provisions concerning confiscated opium and poppy straw set out in article 34, paragraph 2, were excessive and impractical. The provisions should be amended so as to allow the manufacture of the drugs included in schedule I, with the exception of those which appeared also in schedule IV.

Mr. MAURTUA (Peru) said that it had proved impossible to include provisions regarding poppy straw in the 1953 Protocol. Why, then, had such provisions reappeared in the third draft? Surely, by reason of its nature and bulk, poppy straw was not likely to enter the illicit traffic. It would, however, be useful if WHO could do some research to determine once and for all the true nature of poppy straw and especially its alkaloid content. Because poppy straw was, of course, a recognized source of alkaloids, it was impossible to leave it uncontrolled under the Convention, whose object was to establish control over all sources of narcotic drugs.

The exercise of sovereign rights should be free from the influence of private interests. Each State should be prepared to surrender a part of its sovereignty for the sake of international control. International legislation should be as complete as possible, for national legislation would be modelled upon it, and laws against poppy straw could not be enacted if the international instrument was silent on the subject. The solution might be, as the United States representative had proposed, to establish international control over poppy paste and not over poppy straw.

His delegation accordingly considered that the provisions regarding poppy straw could not simply be

deleted without any provisions concerning future production being adopted.

Mr. LANDE (Deputy Executive Secretary), referring to a problem raised by the representative of the Byelorussian Soviet Socialist Republic at the ninth meeting, said that according to the information available to the secretariat the varieties of poppy cultivated in Europe for seed and oil were of the species *papaver somniferum* L. All varieties of *papaver somniferum* L. yielded opium, though in different amounts, and their alkaloid content, including morphine, also varied. According to a work on the poppy published in the USSR by the Lenin Academy of Agricultural Sciences, the distinction made between "opium" and "oil" varieties was erroneous.

The secretariat was of the opinion that under the terms of the draft Convention poppies not cultivated for opium or for poppy straw to be used for the extraction of alkaloids would not have to be controlled.

Mr. TABIBI (Afghanistan) said that the reason his country's name did not appear in article 6 of the 1953 Protocol, as pointed out by the Iranian representative, was simply that Afghanistan had not been represented at the 1953 Conference.

When at the eleventh session of the Commission on Narcotic Drugs Afghanistan had announced that it would not press for its name to appear in the Protocol, the reason had been that the Protocol had not entered into force and it did not seem necessary at that stage to invoke the highly complex procedure for its amendment. Subsequently, however, it had clearly indicated its desire to appear among the list of producing States in the Single Convention, as could be seen from footnotes 31 and 50 in the third draft. He did not think that his country should be penalized simply because it had not been present at the 1953 Conference. Afghanistan had never, as the representative of Iran had stated, waived the inclusion of its name in the list. Afghanistan's law prohibited the export of opium, while Iranian law prohibited only the cultivation, import, purchase, and holding of opium: that was no more than logical, because Afghanistan could not think of exporting a commodity the production of which had been banned.

Afghanistan had long experience both as a producer and an exporter of opium; the product was, moreover, of exceptional quality, with a morphine content of 18 to 19 per cent. It had always welcomed the support it had received from all United Nations bodies. When the Commission on Narcotic Drugs had invited Afghanistan to accede to the 1925 Convention, his country had done its best to comply with the requirements of the international legislation. In 1956, while still an exporter of opium, Afghanistan had enacted a law covering all the provisions of the 1925 Convention.

At the twelfth session of the Commission on Narcotic Drugs, when the question of including Afghanistan in the list of producing countries had come up, Iran, which had at that time halted its opium production, had objected. However, Afghanistan, on its own initiative, had indicated its desire for co-operation with neighbouring countries, and had banned the production of

opium. The Commission had shown its appreciation, and Afghanistan had accepted the Commission's suggestion that it should ask for technical assistance under the auspices of the United Nations. That had been a very bold step for a country as poor as Afghanistan, which had as a result deprived an entire province of its only source of income. He was convinced, however, that, thanks to international co-operation and to his Government's policy of diversification of crops, his country would be able to restore prosperity to the people of those areas.

The Government of Afghanistan did not contemplate the repeal of the law banning opium cultivation. When the Middle East Narcotics Survey Mission had visited Afghanistan, the Government had told it that it would spare no effort to control illicit traffic.

Nevertheless, if Iran opposed the inclusion of Afghanistan in the list of producing countries because it feared possible contraband, Afghanistan would have very good reason to adopt the same attitude with regard to Iran. Unlike Afghanistan, Iran had always been a large producer of opium, and consequently the danger of contraband, if production were resumed, would be even greater for Afghanistan, the more so since the Iranian provinces where opium was cultivated were very close to the Afghan border. The fears of Iran should in no way logically be concentrated on one of its frontiers. It was rather surprising that, for example, although Turkey, a very large producer, was also a neighbour of Iran, he did not think that the Iranian representative was thinking of asking to have Turkey's name crossed off the list.

The international control of narcotic drugs depended upon good faith and mutual co-operation, for without that no international convention could be properly applied.

Mr. ASLAM (Pakistan) objected to the provisions of article 33 on the grounds that the limitation of stocks was a matter strictly for national legislation. Furthermore, articles 40, paragraph 3, and 41, paragraph 2 (a), if adopted, would suffice to prevent the accumulation of stocks.

He was also opposed to the provision concerning the destruction of confiscated substances. Such products could be used for legitimate purposes and should not be wasted. The Yugoslav representative had said that he could not see in what way the countries listed in article 32, paragraph 1 (a), were privileged. Article 34, paragraph 3, very clearly favoured them, since under that provision they alone were authorized to use the opium or poppy straw confiscated in their territory. There was no justification for such a preferential arrangement and he urged that that provision should be deleted.

Mr. LIANG (China) supported the Turkish amendment to article 31, paragraph 1 (a).

With regard to article 34, paragraph 2, he thought that it would be illogical for a country to destroy stocks of opium and later, to import opium from abroad for the manufacture, for lawful purposes, of the drugs listed in schedule I.

Moreover, paragraph 5 authorized the parties to export confiscated opium in exchange for products some of which were listed in schedule I. It would be unfair if confiscated opium could be exported in exchange for products listed in schedule I but not used locally for similar purposes. He therefore proposed that paragraph 5 should be replaced by a general clause providing that confiscated opium and poppy straw could be used for the manufacture of drugs, the actual drugs not being specified. Since the drugs would be manufactured under government control, there was no danger of malpractice and consequently no reason to exclude the drugs listed in schedule I.

Mr. ADJEPONG (Ghana) said that he did not doubt the good faith of the producing countries, but he had been expecting to hear convincing arguments which would dispel the fears expressed on the subject of the creation of a monopoly of opium exports. Ghana was neither a producer nor a major importer, but there was no reason why it should not one day manufacture narcotic drugs or cultivate the poppy, either for domestic needs or for export. The Convention should include safeguards whereby Ghana and other countries would not necessarily always remain dependent for their supplies on the countries listed in article 32, paragraph 1. He still thought that the list should be deleted.

With regard to the Turkish amendment, he said the implication of the second sentence was that no new country could be added to the list as long as at least two countries were on it. When the Convention had been drafted, the evolution of Africa had not been taken into account. The Turkish amendment was not realistic. If its purpose was indeed to keep the number of producers within reasonable limits, the election of new States by a two-thirds majority should constitute an adequate safeguard. He hoped that the drafting committee would reconsider the amendment in the light of what he had just said. If it was not altered, he would be forced to vote against it.

Mr. ACBA (Turkey) said that the sole purpose of the Turkish amendment was to remove all fear of the possibility of an international monopoly of opium export.

The discussion on articles 31 to 34 had left him with the painful impression that arguments such as the danger of a shortage of raw materials or the right of peoples to dispose of their natural resources were being used in an effort to remove all obstacles in the way of the production, international traffic and manufacture of opium and poppy straw by every country. Apparently, only national control mattered. If that was the majority view, the task of the Conference would be greatly facilitated and the Convention could be limited to a few articles. It would mean renouncing what had always been the underlying principles of international legislation against addiction and illicit traffic—and they were the only effective principles—and starting upon a new road which would be based mainly on national control. He felt it his duty to say that, in that case, he doubted whether the Convention would lead to any progress whatever in the fight against the abuse of narcotic drugs.

Mr. BANERJI (India) said that he fully shared the views expressed by the Turkish representative. The discussion seemed to reflect an intention of nullifying all that had been done during the past half-century. Even in the matter of the control of natural substances, the Conference was contemplating a retrograde step, whereas the time had surely come for controlling the synthetic drugs. Suggestions had been made for easing the control of the production of opium and objections had been raised to the control of poppy straw. With reference to the latter substance, he pointed out that, according to statistics compiled by the United Nations and by the PCOB, about 20 per cent of the morphine and other alkaloids manufactured in the world were extracted from poppy straw. As the representative of Turkey had said, it would be impossible to achieve the social aims of the Conference if there was no control whatsoever over the cultivation of poppy straw. India had no desire to prevent the use of poppy straw and its conversion into morphine or other alkaloids, but the substance should be subjected to both international and national control. What he had in mind was not necessarily total control, beginning with the cultivation stage, but full control of poppy paste and of the international traffic in poppy straw and sufficient control over cultivation to prevent abuse.

He had also noted with consternation that some delegations had challenged the validity of article 32, paragraph 1 (b). Yet it was vitally important that countries which did not accept any of the international control measures in force should not be free to deal in such dangerous substances as they saw fit and to make whatever use they wished of them.

The Indian delegation was not asking that the production of opium and of poppy straw should be restricted exclusively to certain States. The producing countries had, however, learned by bitter experience to appreciate the dangers of opium; the fact that Afghanistan and Iran had ceased production testified to that. It was necessary that the number of countries authorized to produce opium should be as small as possible. The control machinery was very difficult to set up, and he failed to see how new producers could set up a satisfactory system, at least at the outset. Moreover, the larger the areas sown to the crop, the greater the danger of leakage.

The producing countries should not of course abuse their position and the Convention should provide all the necessary safeguards for that purpose. If, however, according to the principle of the sovereignty over natural resources, every State was authorized to produce opium, the world would be back where it had started before 1909.

In connexion with article 33, the representative of Pakistan had expressed opposition to the limitation of stocks. Yet that, too, was a fundamental principle. There could be disagreement over the authorized amounts, but not over the principle itself. To authorize the holding of unlimited stocks would be a retrograde step.

He appreciated the concern expressed by the Japanese Government. The way to avoid any danger of monopoly was to render the provisions of article 32, paragraph 1, sufficiently flexible and to provide for the

addition of new countries to the list. The fact that India had supported Afghanistan's application demonstrated that it had no intention of setting up a near-monopoly. The important points on which India insisted were the limitation of stocks and the restriction of poppy growing to the traditional producing areas, where the controlling authorities were experienced.

The meeting rose at 1.10 p.m.

ELEVENTH PLENARY MEETING

Monday, 6 February 1961, at 10.40 a.m.

President : Mr. SCHURMANN (Netherlands)

Appointment of technical committee

The PRESIDENT suggested that the technical committee referred to in the notes concerning the organization of work (E/CONF.34/3, para. 6, E/CONF.34/C.1/L.1, para. 3;) should be composed of the representatives of Australia, the Byelorussian Soviet Socialist Republic, Canada, China, the Republic of the Congo (Leopoldville), France, the Federal Republic of Germany, Hungary, Iran, Japan, Korea, Netherlands, New Zealand, Poland, Sweden, Switzerland, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom, the United States of America and Venezuela.

It was so agreed.

Mr. BANERJI (India) said that his delegation did not include a qualified doctor or pharmacist and hence had not asked to be represented on the technical committee, but it hoped to have an opportunity of expressing its views when points of special interest to India were discussed.

With reference to the definitions (article 1) which the technical committee was to study from the scientific point of view, he suggested that the Conference should have an opportunity to consider the drafting of the definitions in plenary; an *ad hoc* committee might even be appointed to deal with that most important question.

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 to 3; E/CONF. 34/L.2) (continued)

Article 31 (National opium agencies)

Article 32 (Restrictions on international trade in opium and poppy straw)

Article 33 (Limitation of stocks)

Article 34 (Disposal of confiscated opium and poppy straw) (continued).

Dr. MABILEAU (France) said that he wished to make a general statement which would at the same time relate

to the articles under discussion. His delegation had already expressed the hope that no country would take up a position implying a retreat from the position it had adopted in ratifying the existing Conventions. The Conference was not only to codify those earlier instruments, but also to consider the 1953 Protocol and certain new suggestions which sometimes went beyond the terms of that instrument. Somewhat surprisingly, some of the delegations which were ardently defending the provisions of the Protocol were not, in fact, from among the thirty-eight ratifying countries.

It should be possible to decide on the basis not of theory, but of experience, which of the provisions of the 1953 Protocol could be usefully retained. The active part played by France in drawing up and in urging the ratification of the Protocol should make it obvious that the reason why his delegation no longer insisted on certain of the provisions of the agreement was not that it had changed its attitude, but that it wished to remove obstacles to the general ratification of the Single Convention.

A realistic approach of that kind was indispensable; unjustified complications should be avoided in order to achieve maximum acceptability, and at the same time the Convention should not be weakened. For example, there were four possible courses with regard to countries which produced or exported opium: they could be mentioned in a closed list, as the draft proposed; the list could be a partially open one, as was proposed in the Turkish amendment (E/CONF.34/L.2); there could be complete freedom of trade in opium, with no guarantee against over-production; or, fourthly, as a compromise, a list in the Convention could be dispensed with, and an arrangement devised for a list to be kept of countries entitled either to grow and sell opium, or, in some cases, to sell only the opium confiscated in their territory. There was no need to demand the systematic destruction of seized opium; however, instead of being sold directly, such opium might be exchanged for medicaments or medical supplies.

As a second example, there were three possible positions on the question of poppy straw: the absence of any control, as suggested by Hungary; control as strict as that over opium; or a realistic compromise allowing for a degree of control. Some supervision was necessary over a raw material which was the source of 20 to 25 per cent of the morphine produced in the world. His delegation therefore proposed the adoption of the main provisions of article 4 of the 1953 Protocol, which controlled manufacture from and foreign trade in poppy straw.

Mr. CURRAN (Canada) said that his country, which was not a producer of opium and hence was not directly involved, had ratified the 1953 Protocol in order to help limit narcotic substances to medical and scientific uses. His delegation accepted the principle that a country should be free to market its products, but an exception was required in the case of a convention which attempted to restrict the use of a substance to certain purposes. The over-production which could result from the absence of restrictions would lead to dangerous competition

in the disposal of the products concerned when the amount legitimately required was only 800 to 900 tons; the principle of a list of countries was therefore sound, provided that it was a realistic list, and that there was a simple formula for adding countries to the list in the light of new conditions. With regard to the proposal contained in the Turkish amendment, he considered that the selection of new producing countries should be by a two-thirds vote in the General Assembly or in the Economic and Social Council, rather than in the Commission on Narcotic Drugs, which would be too limited a forum for the purpose, for it had a membership of only fifteen.

As he understood it, there was nothing to stop any country from producing opium for its own needs and then manufacturing alkaloids of opium for export. That seemed an illogical situation, for it was precisely the alkaloids which represented the real danger. Another important question was what was to be done with opium confiscated in non-exporting countries. He did not think that the arrangement enabling countries not manufacturing alkaloids to exchange some seized opium for alkaloids was satisfactory, and suggested that the *ad hoc* committee be asked to look into the problem.

On the question of poppy straw, his delegation supported France's proposal. Some simple control mechanism was necessary which would leave poppy straw free from controls that served no useful purpose. He also drew attention to an unnecessary duplication in articles 34 and 36, which could be combined without any sacrifice in effectiveness.

Mr. BUVAILIKA (Ukrainian Soviet Socialist Republic) expressed agreement with the delegations which had argued that it was unreasonable to include provisions such as those in article 33 limiting the right of a State to keep stocks of opium or poppy straw for its own needs; such a measure might lead to difficulties in both the economic and the medical field. The supply of drugs and raw materials depended on the climatic conditions during a particular year, and it would be difficult to determine the amount of raw materials needed without knowing how good the next two years' harvests would be. The stocks of raw materials might also be affected by epidemics such as colds and influenza, which brought an increased demand for codeine.

The intention of the measure was apparently to reduce leakages into the illicit traffic; such leakages, however, did not depend on the quantity of stocks, but on the effectiveness of measures taken to protect those stocks. The provisions of the draft Convention for state supervision of stocks and of their use were sufficient.

Mr. VERTES (Hungary) said that his delegation opposed article 32, paragraph 1, as incompatible with the principle of the sovereign equality of States. Full co-operation would be impossible if some countries were authorized to monopolize the production and export of certain narcotic substances. He could not accept the argument that effective control was possible in some countries and not in others, and that the right to export opium should be restricted to the former. Another objection to the paragraph in question, as to any such provision,

was that it would become obsolete as countries developed their economies and became able to control trade in drugs effectively. Basic principles of justice demanded that States should be free to dispose of their natural wealth, subject, of course, to any necessary control. Moreover, because the parties would be pledging themselves to import narcotics from other parties only, a shortage of important drugs might occur, not to mention the dangers of a monopoly.

The provisions in question had the effect of dividing States into four groups. The first was composed of the eight countries which would be placed in a privileged position once they acceded to the Convention; secondly there were the remaining parties to the Convention; thirdly, there were countries which would be prevented by constitutional factors from becoming parties immediately, and those which would not accede because they found certain provisions unacceptable; fourthly, there were the countries which were absent from the Conference. Under article 48, the last group of countries could be prevented from becoming parties to the Convention and would suffer the consequent disadvantages.

Again, what would happen if several of the eight countries listed did not ratify the Convention for a time after its entry into force? Importing countries could then have to rely on a smaller number of exporting States, which might be unable to provide a sufficient supply. His delegation therefore maintained its objection to article 32, paragraphs 1(a) and (b) (E/CN.7/AC.3/9, footnote 30), as well as its reservation with regard to article 33.

With regard to the question of poppy straw, the Hungarian delegation had made it clear, during the general debate, that it believed in the necessity of a suitable international convention for preventing the abuse of drugs, without hindering their medical application, and that it was in favour of an adequate system of control. However, his delegation had proved conclusively that control over poppy straw was unnecessary until it was used in the manufacture of alkaloids. At the ninth plenary meeting he had given detailed evidence to show that cases of abuse were unknown and practically inconceivable, and that strict control over such a widely cultivated crop was impossible. Such provisions were particularly unacceptable to countries in which the poppy was grown for food. Some delegations had spoken in favour of the provisions without producing any scientific evidence of the need of control measures before the extraction of alkaloids began. It was impossible to prepare drugs from poppy straw clandestinely outside factories, because of the large quantities which would be required. He hoped that the Conference would accept the views of his delegation and would find a satisfactory solution to the problem, which was of great significance to many countries since it concerned an important consumption crop. If those principles were accepted, his delegation would be able to recommend to the Hungarian Government that it accede to the Single Convention.

Mr. KRUYSSSE (Netherlands) referred to the Deputy Executive Secretary's statement at the 9th meeting, which implied that under article 31, paragraph 1, the

opium poppy would have to be controlled only if it was cultivated for the sake of the straw. In the Netherlands, for example, many farmers cultivated the poppy for its seeds, but manufacturers could use the straw for making morphine and could approach farmers in order to buy their straw; the provisions could then be so interpreted that the poppy would be considered as being cultivated for the production of poppy straw, even though the latter was only a by-product.

With regard to article 33, paragraph 1, he said the provisions of sub-paragraph (b) would normally prove satisfactory, as the stock would be unlikely to exceed two years' requirements. However, it would not always be possible to implement the provisions of paragraph 4(a), since it would be hard to know what a manufacturer would require in two years' time. He thought it was hardly necessary to lay down such a strict requirement for the control of stocks; control should be made the responsibility of the government, and the Board should supervise the application of the provisions only indirectly.

In commenting on article 34, he was assuming that its provisions would not apply to poppy straw. He did not regard the present wording of paragraph 2 of that article as logical. It provided that a party might authorize the conversion of opium or poppy straw into drugs listed in schedule II; but in fact, before making codeine, which was in schedule II, a manufacturer would first have to make morphine, which was in schedule I. He therefore considered that it was confusing to restrict manufacture to drugs listed in schedule II and suggested that the words "listed in schedule II" should be deleted.

Mr. GREEN (United Kingdom) said that article 33 should be deleted altogether: it was more important to control the use of stocks than to limit their level; furthermore, the provisions of article 33 were impractical and were also ineffective, since they were drafted in such a way that the limit imposed had no practical value.

With respect to article 34, his delegation supported in principle the right of any country to export seized opium. It saw no good reason for discriminating in that respect against countries not on the list of authorized producers. The argument that permitting the use or export of confiscated opium would increase the illicit trade could not directly apply to the large quantities of opium seized in Singapore and Hong Kong, since the opium poppy was not cultivated in those territories.

At the 9th meeting, the Indian representative had said that, at the tenth session of the Commission on Narcotic Drugs, the United Kingdom had opposed the inclusion of Afghanistan in the list of opium-producing countries. That was not the case. The United Kingdom had considered the proposal for the inclusion of Afghanistan inopportune, since Afghanistan's neighbour Iran had just decided to ban opium production; it had therefore favoured postponement of the matter, but it had never opposed placing Afghanistan on the list.

On the question of poppy straw, his delegation welcomed the French suggestion for a return to article 4 of the 1953 Protocol.

As to article 32, he thought that the proponents of

that article had exaggerated the dangers that its deletion might bring. The point at issue was whether to adopt a provision at present found only in the 1953 Protocol or to enact something more practical. The provision in question was one of the main reasons why the 1953 Protocol had not yet entered into effect, and was certainly the cause of the United Kingdom's unwillingness to ratify the Protocol. It had been suggested that, if paragraph 1 (b) of article 32 were deleted, there would be unrestricted trade in opium. However, most countries were parties to the 1925 and 1931 Conventions, which would remain in force for some time after the Single Convention came into effect; and even if the 1925 and 1931 Conventions should lapse, he hardly thought that governments would discard the controls they had applied for many years over the opium trade. The suggestion had also been made that the opium trade might be started in countries lacking the resources to control it. That argument, however, was beside the point, since there was nothing in the draft Convention to stop a party from producing opium or, as the Canadian representative had pointed out, from manufacturing opium alkaloids for export. His delegation therefore favoured the deletion of article 32, but thought that consideration should be given to the French proposals for substitute provisions.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that the representatives who had supported article 32 had dealt in generalities and had not demonstrated how that provision would ensure an uninterrupted supply of opium to countries for their lawful needs or would combat the illicit traffic. He had noted that the principal advocates of article 32 were the representatives of countries listed in paragraph 1 (a). Those countries apparently were interested in artificially limiting the number of opium-producing countries and in securing freedom from competition. The fact that opium was an addiction-producing drug was not an adequate reason for denying the right of other countries, particularly under-developed countries which had recently attained independence, to use their natural wealth and resources to build up independent economies. In that connexion, his delegation shared the view of the Ghanaian representative that Ghana was entitled to become an opium producer. Any country that wanted to produce opium for export could certainly ensure the strictest control of production at every stage and thus prevent leakage into the illicit traffic. The countries on the list of authorized producers had introduced control measures only after the illicit traffic and drug addiction had reached substantial proportions, whereas the countries producing opium for the first time would institute control systems immediately.

The proponents of article 32 had also argued that permitting countries, other than those listed in paragraph 1 (a), to produce opium for export would create a serious risk of over-production. However, it was impossible to predict what the production of opium would be in a given year, because the level of production in each country depended largely on climatic conditions, particularly rainfall. Statistics showed a sharp fluctuation in production figures from year to year: for example, India had produced 629 tons of opium in 1953, 362 tons in 1955 and 657 tons in 1958; Turkey had produced 321

tons in 1953, 70 tons in 1954, 277 tons in 1956 and 45 tons in 1957; and the USSR had produced 147 tons in 1957 and 93 tons in 1958. If only a limited number of countries were permitted to produce opium for export and if droughts occurred in Turkey and India, other States might find it impossible to satisfy their opium demand for medical and other lawful purposes. In support of that view, he cited the Indian representative's statement in 1957 that he favoured the inclusion of Afghanistan among the opium-producing countries because he doubted whether opium stocks were sufficient (E/3010/Rev.1, paragraph 265). The Indian representative had thought at the time that the world demand would not be met because of the drought in Turkey and India, and that it would therefore be proper to encourage poppy cultivation in Afghanistan. The demand for opium for medical purposes had almost doubled between 1948 and 1958 (E/OB/15, page ix). In its 1958 report, the PCOB had concluded that the figures of opium production and utilization showed that production had fallen short of demand after 1953 (E/OB/14, page 10). And in the following year, the PCOB had reported that the figures for production and use of opium had shown a shortfall in production since 1954, and that in consequence, stocks had fallen by the end of 1958 to about nine months' requirements (E/OB/15, page ix). Accordingly, since even at the moment, without restrictions on the number of opium exporting countries, importing countries might have difficulty in procuring adequate supplies of opium for medical purposes, the normal supply of opium would surely be endangered if the Single Convention were to legalize the monopolistic position of certain opium-producing countries in the world market. In that connexion, he shared the apprehension of the United Kingdom representative that the restrictions in article 32 might indeed establish a monopoly, with all its unfortunate effects; furthermore, the States listed in paragraph 1 (a) might at any time prohibit opium production for internal reasons.

The supporters of article 32 had also argued that an exclusive list of countries producing opium for export was the foundation of the international narcotics control system and of the fight against the illicit traffic. In his delegation's view, the restriction of the number of opium producers was certainly not a proper measure for combating the illicit traffic. He cited passages from recent reports of the Commission on Narcotic Drugs (E/3133, paragraph 207; E/3254, paragraph 137; E/3385, paragraphs 103 and 104) indicating that in the Near and Middle East the opium seized in the illicit traffic had generally come from countries situated within the region, and that the seizures reported by Turkey had been of opium diverted from lawful cultivation. A special narcotics survey mission had been sent to the Middle East because of the heavy illicit traffic in that region. He therefore asked the representatives of countries in that area to explain how a closed list of opium producers would improve the narcotics situation in the Near and Middle East. In his delegation's view, any improvement in that situation would depend mainly on the effectiveness of the control exercised by governments and on the efficient application of the provisions of international narco-

tics conventions and of the decisions of international control organs, and in no way on the limitation of the number of countries producing opium for export. As the Indian representative to the Commission on Narcotic Drugs had said (E/3010/REV.1, paragraph 264), the selection of countries authorized to produce opium for export and the problem of the illicit traffic in that drug were two quite distinct questions. And the Turkish representative to the Commission had listed eleven measures which the countries of the Middle East should adopt to fight the illicit traffic, other than the limitation of the number of exporting States (E/3385, paragraph 106).

The Turkish amendment (E/CONF.34/L.2) was apparently intended to give the States already listed as producers a permanent right to remain on the list. Under the terms of that amendment there would be no opportunity for additions to the list of countries, for the number of producing countries would obviously never be less than two.

Article 32 also affected the rights of States which had been deprived of the right to participate in the Conference and which, under the terms of article 48 as drafted, would be prevented from becoming parties to the Convention. Parties would not be permitted to import opium from such countries as the Democratic Republic of Viet-Nam, which regularly exported large quantities of opium to the USSR for medical uses. The inclusion of article 32 would therefore be tantamount to an attempt to throttle the economy of the Democratic Republic of Viet-Nam. In those circumstances, if the present text of article 32 was retained, the USSR would be compelled to adopt the same attitude towards the Single Convention that it had taken towards the 1953 Protocol.

Mr. NIKOLIC (Yugoslavia) supported the French proposal concerning poppy straw. As he had stated, before, his delegation was unable to accept the draft provisions of article 32 relating to poppy straw, but it was perfectly willing to agree to the control, of imports and exports of such straw. The French proposal was therefore a welcome solution.

If the Convention was to be concise, reasonable and effective, article 33 could well be dropped. Stocks were controlled by the State anyway and consequently a provision for their limitation was unnecessary in the Convention. Furthermore, under the provisions of the 1953 Protocol the stocks would be so large that, from an economic point of view, no country would wish to maintain them at that level. In any event the Yugoslav delegation did not adopt a strong position on article 33.

Although he found article 34 acceptable in principle, he sympathized with those delegations which had argued that a country should have the right to export its confiscated opium instead of destroying it. The text should be improved and that point should be made clear.

Mr. FERRARI (Brazil) said that the provisions concerning opium and poppy straw were, on the whole, acceptable to his government, but he thought that the objections raised by some delegations should be borne in mind. In particular, he agreed that article 32, paragraph 1, might result in a monopoly of production for certain countries, which would be prejudicial to the manufacture

of pharmaceutical products containing opium and might also encourage the illicit traffic. He favoured strict control and the restriction of opium to medical and scientific uses, but the danger of creating a monopoly should be avoided.

Article 33 was, in general, satisfactory, but paragraph 6 (a) did not provide for scientific requirements or for exceptional circumstances, such as a great natural catastrophe, in which the PCOB might exempt the party from the conditions stipulated in paragraph 1 for reasons other than those of public health. The point would be met by inserting the words "or other reasons" after the words "public health".

Mr. WIECZOREK (Poland) said that he shared the Hungarian representative's views regarding the control of poppy straw. However, he understood the position of delegations which had expressed doubts about the effectiveness of the controls proposed to be laid down in the Convention. Without wishing to weaken the text, he thought it could be adapted to specify that controls should be imposed where necessary. In view of the differing climatic conditions in different countries and the different strains of poppy cultivated, some of which contained very little addiction-producing substance, the Convention should not establish one hard and fast rule but fairly flexible standards which could be applied in the light of local conditions. Special attention should be paid to that point in the *ad hoc* committee.

Poland had no economic interests influencing its attitude to article 32 but it opposed the article, particularly paragraph 1, for reasons of principle. He welcomed the fact that other delegations, including those of some of the newly independent African States, opposed it for the same reasons, namely, that it infringed the sovereignty of States over their natural resources. His reason for opposing a restricted list of countries entitled to produce opium was not that he thought the number of producers should be increased; that would not be the best method to achieve a limitation of production. It would be far better to appeal to States to limit their production of opium voluntarily if the amount on the international market exceeded world needs for medical and scientific purposes.

There was a further and very grave objection to paragraph 1 (b). Because it prohibited the import of opium or poppy straw from any country or territory to which the Convention did not apply, certain countries would be excluded from trading with the parties to the Convention without having been consulted. Those countries, furthermore, were the very ones that had not been invited to the Conference and had therefore had no opportunity to make their voices heard. The text would have to be altered so fundamentally to make it generally acceptable that it would be preferable to delete the provision.

Mr. CERNIK (Czechoslovakia) expressed the view that article 34 should apply to confiscated opium but not to confiscated poppy straw.

Mr. POSAYANANDA (Thailand) said that the disposal of confiscated opium was of serious concern to his country, as its geographical position placed it on one

of the main routes for the illicit opium traffic. Before opium smoking had been banned in Thailand, the confiscated opium had been sold for home consumption and had brought in about 6 million dollars a year in revenue. Since the ban had come into force, the Government had had sizeable amounts of opium on its hands, for only small amounts could be used for medical or scientific purposes. That opium should not be destroyed, as provided in article 34, but exported, so that his government could cover, to some extent, its loss of revenue. If article 34 was modified along the lines he had suggested and article 32 was deleted, the Convention would be much more widely acceptable.

U TIN MAUNG (Burma) welcomed the point made by the previous speaker. As he had pointed out in his statement at the third plenary meeting, Burma was in a similar position and, therefore, the mandatory provision contained in article 34, paragraph 1, was quite unacceptable to his delegation. Large quantities of opium were confiscated every year by the Government of the Union of Burma thanks to the vigilance and courage of the men who tracked down the illicit drug traffickers. Their work was difficult and dangerous and it seemed logical that they should receive substantial rewards for it. Furthermore, there were many other expenditures involved in the control of the illicit traffic. It did not seem unreasonable that his Government should be authorized to sell the confiscated opium to other countries for medical and scientific purposes, thus covering some of its enormous outlay. In Burma, poppy straw was destroyed by the cultivators and none had found its way into the illicit traffic in the past.

Paragraph 3 of article 34, which restricted the right to use or export confiscated opium to the producing countries listed in article 32, paragraph 1(a), was obviously unjust and conflicted with the principle of equal rights of States. Those countries would have not only a monopoly of production, but also preferential treatment with regard to the disposal of confiscated opium and poppy straw. Another provision which conflicted with the same principle was that contained in paragraph 5(a). Under that paragraph, Burma, as a country which permitted neither the production of opium or poppy straw nor the manufacture of opium alkaloids, was obliged to obtain the authorization of the Board if it wished to export any confiscated opium, even to a party which manufactured opium alkaloids and with a view to obtaining alkaloids, salts or preparations of opium in exchange, whereas the countries listed as producers in article 32, paragraph 1(a), required no such authorization. That was an infringement of the State's sovereignty over its natural resources. The paragraph should be redrafted in terms allowing non-producing countries to decide how much of their confiscated opium they would export and to which countries.

Mr. CHA (China) strongly advocated the retention of paragraph 1(a) in article 32. The countries mentioned in the proposed list of producers had a well-known record of continuous effort in the field of narcotics control; although the list was not large, it could not be taken as creating a monopoly for those countries, but purely

as a recognition that they had been engaged for many years in narcotics control. It had been argued that the number of producing countries should not be restricted because under-developed countries might need to produce opium in the interest of their economic development and that to prevent them from so doing was an interference with their sovereign rights. With all due respect, he ventured to submit that the field of narcotics control was not one in which the arguments of sovereign rights or the danger of creating a monopoly held good. The fact that there were few countries on the list of producers was an argument in favour of the list, for that would facilitate the control of the illicit traffic. China, which had been for many years a large producer of opium, had agreed not to be included in that list, at considerable cost to itself, because it knew that its struggle to put down the opium traffic had been far from successful and it had to sacrifice some of its rights to the common good. Other countries, such as Afghanistan, Iran and Thailand, to name only a few, had taken similar decisions, for the same reason, thereby incurring substantial financial losses. The public would find it difficult to understand why Governments participating in a Conference which intended to reduce the illicit traffic should be demanding the right to produce unlimited quantities of opium. The Conference should not lose sight of the fact that it had met to achieve a noble purpose, the adoption of a Single Convention which would help to banish the narcotics evil from the world. Individual interests must take second place if that purpose was to be achieved. He appealed to all delegations to unite in a common effort for the benefit of mankind.

He understood the objections made by some countries to the provision (article 34, paragraph 1) that all confiscated opium or poppy straw should be destroyed. That paragraph was, perhaps, rather strongly worded and could be made more flexible, but, if the illicit traffic was really to be reduced and finally eliminated, confiscated opium and poppy straw should be destroyed. He would not exclude the possibility of its being put to good use in the country itself or exported for medical and scientific use elsewhere, but the stress should be on its being made unavailable to the illicit traffic. And the safest way to do so was to destroy it.

Mr. ANSLINGER (United States of America) welcomed the statement made by the previous speaker. It was somewhat discouraging to hear delegations calling for the deletion of articles 32 and 34. If those provisions were deleted from the Single Convention, narcotics control would be put back fifty years and international measures would comprise nothing more than a general agreement to limit the needs for narcotic drugs, as decided at the Shanghai Conference in 1909, and the set of general principles included in the Hague Convention of 1912. The 1953 Protocol had represented a real step forward, for it had included a provision limiting stocks. It was to be hoped that such a provision would not be deleted from the Single Convention.

Mr. BANERJI (India) felt that article 34 went too far in providing for the destruction of confiscated opium and poppy straw, even if a good use could be found for

it. A more flexible text along the lines proposed by France would be more acceptable.

The Canadian representative had pointed out an important lacuna in article 34. It should include a provision relating to opium alkaloids.

Article 32, paragraph 1(b), was fundamental and could not be omitted. It was impossible to allow a country which was not a party to the Convention and consequently not bound to impose internal controls, to trade freely with a party to the Convention, which was so bound. The argument that that provision infringed the sovereignty of States was untenable. As had been pointed out by the two previous speakers, unrestricted sovereignty and international control were incompatible.

India did not consider that the list of producing countries in paragraph 1(a) created a monopoly. It had, for instance, supported the inclusion of Afghanistan, which had not been on the original list. The aim of such a list was that the production of opium should be in the hands of a certain number of countries which had shown by their past record that they took narcotics control seriously. No restriction was placed on the production of opium for domestic consumption, and consequently no country should feel deprived; the important thing was to control exports and imports so that drugs did not find their way into the illicit traffic. That could not be done without some surrender of sovereignty, but if a country was represented at the Conference it had presumably accepted such a surrender in principle.

Referring to the question of stocks of opium, he thought the USSR representative's fears were not well founded. He had admitted that stocks for eight to nine months were already on hand, which was no small amount. He had not allowed for the variations in domestic production. In India, production fluctuated widely with the rise and fall in demand. However, India's aim was to limit the acreage under opium poppy as much as possible, so as to reduce the risk of leakages of drugs to the illicit traffic. It could not accept the idea that there should be unlimited production of and trade in opium, in any event. If that was the aim, the Conference would have been unnecessary.

He welcomed the French proposal regarding poppy straw, to which he would give very careful consideration. Some delegations thought that it was not necessary for every country to impose a full system of domestic controls of opium production unless there were grounds for believing that large quantities were finding their way into the illicit traffic. Some had maintained that poppy straw was too bulky for the illicit trade, and that consequently very strict control was unnecessary. However, he felt that having regard to its importance as an alternative raw material for production of alkaloids, poppy straw from the opium poppy should be subject to similar domestic controls whether intended for extraction of opium or for use as poppy straw.

Lastly, he wished to apologize to the United Kingdom representative in having unintentionally misrepresented that country's position regarding the recognition of Afghanistan as an opium-producing country.

The PRESIDENT suggested that the *ad hoc* committee to which articles 31 to 34 were to be referred should be composed of Afghanistan, Bulgaria, Burma, China, Canada, Czechoslovakia, Denmark, the Federal Republic of Germany, France, Hungary, India, Iran, Japan, Korea, the Netherlands, Pakistan, Poland, Switzerland, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

It was so agreed.

The meeting rose at 1.15 p.m.

TWELFTH PLENARY MEETING

Tuesday, 7 February 1961, at 10.40 a.m.

President: Mr. SCHURMANN (Netherlands)

Appointment of drafting committee

The PRESIDENT suggested that the drafting committee should be composed of the representatives of Afghanistan, Brazil, Canada, China, France, the Federal Republic of Germany, India, Mexico, Poland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

It was so decided.

Mr. CURRAN (Canada) hoped that the Danish representative would also be appointed to the committee.

The PRESIDENT said he would willingly ask the Danish representative to serve on that body.

In reply to a question from Mr. KRUYSSSE (Netherlands), the PRESIDENT said that other representatives could join the committee thereafter, if they wished. However, the committee could work more effectively if it was not too large a body.

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 to 3)

Article 35 (Restrictions on the cultivation or growth of the coca bush)

Article 36 (National coca leaf agencies)

Article 37 (Restrictions on the international trade in coca leaves and crude cocaine)

Article 38 (Special provisions relating to coca leaves in general)

Mr. ANSLINGER (United States of America) said the provisions of article 36 concerning the establishment of national coca leaf agencies and the licensing

of cultivators of the coca bush were rather unwieldy and more appropriate to opium control than to control of the coca leaf. He would therefore propose, if the Governments of Bolivia, Indonesia and Peru approved, that article 36 should be simplified and that the United Nations General Assembly should adopt regulations for control of coca bush cultivation. He also noted that, under the terms of article 37, if the Governments of Bolivia, Indonesia and Peru failed to ratify the Single Convention immediately it came into force, all trade in coca leaves and crude cocaine would be prohibited. To avert that eventuality, he suggested that the words "or to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931" should be inserted after the word "Convention" in paragraph 1(a) of article 37. With respect to the special provisions in article 38 relating to the use of coca leaves for the preparation of flavouring agents, he proposed that paragraph 2 should be amended so that statistical information and estimates would not have to be given twice for the same coca leaves, should they be used both for the preparation of a flavouring agent and for the extraction of medicinal alkaloids. The United States had for many years imported coca leaves from Peru for use in the preparation of flavouring agents; the residue containing alkaloids had been incinerated under Government inspection, and statistical information concerning the coca leaves had been furnished to the international control organs. There had never been any diversion into the illicit traffic. His delegation would submit an amendment to articles 36 and 37.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the comments which his delegation had made concerning the closed list of opium producers were equally applicable to article 37. While the USSR was neither a producer nor an importer of coca leaves and crude cocaine, it considered, as a matter of principle, that the closed list in article 37 was contrary to the accepted notion of the equality of States and violated the right of every State freely to dispose of its natural wealth and resources. If some Latin American States wished to limit the number of countries producing coca leaves and crude cocaine because they thought that such a limitation would restrain the chewing of coca leaves and the illicit traffic in crude cocaine, they should do so by agreement among the countries directly concerned. But such arrangements should not be included in the Single Convention, which had to be acceptable to all States to be effective.

Dr. CURRAN (Canada) said that, while cocaine did not present a large illicit traffic problem in Canada, his delegation wanted to give its full support to any measures that would prevent it from becoming a major plague. Accordingly, the Canadian delegation wished to associate itself with the proposals put forward by the United States representative.

Dr. MABILEAU (France) said that France also had no special problems with cocaine. However, coca leaf chewing was a harmful habit, and the illicit traffic in cocaine, which constituted a world-wide danger,

had been on the rise. It was gratifying, therefore, that the first inter-American meeting on the illicit traffic in cocaine and coca leaves, held at Rio de Janeiro in 1960, had been a success. At a recent meeting of the Commission on Narcotic Drugs, the representative of Peru had indicated that coca leaf chewing was essentially a dietary and a social problem (E/3385, paragraph 205). With reference to paragraph 4 (e) of article 56 of the draft Convention, which provided that coca leaf chewing must cease within twenty-five years from the coming into force of the Convention, he asked the countries directly concerned how many years would in reality be needed to eradicate the habit completely. It seemed to him that a target of twenty-five years had been mentioned year after year. The illicit traffic in cocaine was, after all, a recognized problem; his delegation believed that all means should be used to combat that traffic, and would therefore support the United States and Canadian proposals. As to article 37, his delegation took the same position as it had adopted with respect to article 32. While a closed list of coca leaf and crude cocaine producers presented fewer problems than a closed list of opium producers, it was not a satisfactory solution. His delegation preferred the establishment of an open list.

Mr. GREEN (United Kingdom) said that his delegation would support the United States proposals. While all countries had an interest in ensuring that coca leaves and crude cocaine were not used, the majority, including the United Kingdom, had no difficulties with those products in the daily administration of their narcotics laws. He therefore agreed with the United States representative that article 36 should be simplified and that regulations should be formulated by the General Assembly rather than by the Convention. On the other hand, the closed list in article 37 was objectionable in principle. Although the United States proposal that a reference to the 1931 Convention be inserted in paragraph 1 (e) of article 37 was acceptable to his delegation, he hoped that, in order to ensure uniformity, a decision thereon would be postponed until it was seen whether a solution could be found to the problem raised by article 32.

Mr. BANERJI (India) said that his country had very little direct interest in the matter under discussion, since it did not cultivate the coca bush and imported only small quantities of crude cocaine for medical and scientific purposes. However, his delegation considered that, in principle, the pattern of control over the coca bush, cannabis plant and opium poppy including poppy straw should be much the same, since the three natural plants had similar properties. In that connexion, it noted that article 35 covering the coca bush did not require the uprooting of the plants which grew wild or the destruction of plants illegally cultivated, as article 39 did for cannabis. With respect to article 36, his delegation considered that the adoption of a closed list of producers was consistent with the objectives of the Convention. It had no objection to the United States amendment to paragraph 1 (e). If the control systems were to be broadly uniform, that clause should also provide, along the lines of article 32, paragraph 3, that a party could declare its decision

to cease production, and article 38 should limit the stocks of coca leaves and crude cocaine in the same way that article 33 limited opium stocks.

Mr. CERNIK (Czechoslovakia) opposed the establishment of a closed list of producers of coca leaves and crude cocaine in article 37, just as he had opposed similar provisions in article 32. The illicit use of cocaine would be eliminated only if strict control was exercised at the national and international levels.

Mr. KRUYSSSE (Netherlands) agreed that similar regulations should be applied to coca leaves and crude cocaine, on the one hand, and opium on the other. If it was desirable to establish a limited list of producers of coca leaves and crude cocaine, a procedure should be found whereby the list could be expanded and reduced in the future. Turning to article 38, he suggested that the use of coca leaves for the preparation of flavouring agents was covered to a certain extent by article 2, paragraph 4, since the coca leaves in question could be considered "drugs commonly used in industry for other than medical or scientific purposes". Although coca leaves were used for flavouring only in the United States of America, where control was so strict that no narcotics problem had arisen, article 38 should impose a duty on the party permitting the use of coca leaves for the preparation of a flavouring agent to ensure that the coca leaves so used were not liable to be abused and that the harmful substances could not be recovered, along the lines of article 2, paragraph 4. He also pointed out that article 38, paragraph 2, required the parties to furnish both statistical information and estimates, whereas article 2, paragraph 4 required statistical information only. His delegation had no fixed opinion concerning article 36. If the Governments most concerned preferred simpler provision and to have cultivation of the coca bush regulated through recommendations of the General Assembly, his delegation would not object.

Mr. BENYI (Hungary) said that his delegation's position with regard to article 37 was the same as that which it had adopted concerning article 32. In both cases, it was opposed to a closed list of producing countries, which was contrary to the principle of the equal rights of States and also to the law of treaties as defined by the Special Rapporteur on that topic in his report to the eighth session of the International Law Commission. His government's position was clearly stated in footnote 34, relating to article 37.

Mr. A. JOHNSON (Liberia) said that he was opposed to a closed list of producers of coca leaf and cocaine for the reasons of principle he had explained at the tenth plenary meeting in connexion with article 32, paragraph 1 (a).

Mr. ANSLINGER (United States of America) said that it was the view of his Government that the provisions of the 1931 Convention should apply to coca leaf. It had also decided to limit its stocks to a six months' supply.

Some delegations had maintained that every State had a sovereign right to cultivate the coca bush as a means of exploiting its natural resources; the coca

bush, however, was not a harmless agricultural crop, but a plant which contained a dangerous narcotic substance. The United States had experimented with the cultivation of the coca bush in depressed areas, but had abandoned the experiment so as not to compete with the three producing countries mentioned in the draft Convention to the detriment of an established economic balance and also so as not to increase the world supply of cocaine and coca leaf.

With all due respect to the Netherlands representative, he said the provisions of article 2, paragraph 4, did not apply in the particular case. According to that paragraph, the provisions of the Convention would not apply to drugs commonly used in industry, in other words no import and export certificates would be required for supplies of those drugs. The United States considered that the coca leaf was so dangerous that the same controls should apply to the coca leaves used for the manufacture of flavouring agents as to cocaine. The point was made very clearly in article 38 and experience had shown that such a provision was necessary.

Mr. KRUYSSSE (Netherlands) said that he wished to clarify his earlier remarks concerning article 38, to which the United States representative had referred. He had not wished to suggest that article 38 should be deleted; he had compared its terms with those of article 2, paragraph 4, in order to stress his support of the view that some supervision was necessary even in the case of coca leaf used for the preparation of flavouring agents. He knew that the preparation of those agents was well controlled in the United States, but thought that the Convention should require careful supervision over such preparation rather than simply state that parties might permit it; he drew attention to his government's comment (E/CONF.34/1, paragraph 268).

Mr. WARREN (Australia) said that he had some doubts about the inclusion of a reference to the 1931 Convention in article 37, as proposed by the United States, for that was one of the international treaties which, under article 51, were to be superseded by the Single Convention when the latter came into force.

He agreed with the United Kingdom representative that a decision about the closed list of producing countries in article 37 might be deferred pending a decision on the list of opium-producing countries in article 32.

Mr. CHA (China) said that his government had not considered promoting the cultivation of the coca bush on Taiwan, although the soil and climate were particularly favourable to such a crop and the export of coca leaves would be an excellent means of obtaining foreign exchange. It had decided not to ask to be placed on the list of producing countries because it considered that supplies should be limited. The smaller the quantity produced, the easier it would be to keep it under strict national and international control.

The question of coca leaves and cocaine had been discussed for many years, and it had been generally agreed that a small number of authorized producing countries could maintain an abundant world supply of cocaine and alkaloids. It was difficult to see why certain countries considered that they should be free

to produce coca leaf and cocaine, merely in order to exercise their sovereign rights. As he had stated in connexion with article 32, the arguments against a closed list of producers did not hold water. If a country needed to cultivate new crops for the sake of its economic development, there was no reason why the coca bush should be one of them. Nor was it a convincing argument to say that the list would create a monopoly for certain countries. He would like every country represented at the Conference clearly to state its intention of reducing the production of all drugs that might find their way into the illicit traffic, and particularly of cocaine. He expressed the hope that the delegations which were opposed to a closed list of producing countries would reconsider their position in the interest of the common good.

Mr. ADJEPONG (Ghana) said that the coca bush was not cultivated in Ghana, and hence his delegation had no objection to article 35, paragraph 1. It was not opposed, in principle, to paragraph 2 of that article, but the wild coca bush, *Erythroxylon Gabiense*, was to be found in great profusion and was much favoured by the local witch doctors. Furthermore, it would be a very expensive operation to try to uproot all the wild coca bushes. He therefore felt that paragraph 2 should be deleted, because it was impractical, but if the Conference wished to retain it, he would not press the point. Article 37 was not acceptable to his delegation because it contained a closed list of producing countries and his government was opposed to the creation of a monopoly, which would place other countries in a dependent position.

Mr. CHIKARAISHI (Japan) said that cocaine addiction was not a serious problem in Japan, but his delegation supported articles 35, 36 and 38 in general, with the United States amendments. His delegation could not, however, agree to the inclusion of a closed list of producing countries, for the reason given by his delegation in connexion with paragraph 1 (b) of article 32.

Mr. BITTENCOURT (Brazil) deplored the fact that in recent years Brazil had been one of the primary victims of the increase in the illicit traffic in cocaine and coca leaves from neighbouring countries. His Government had seized not long before cocaine which was being manufactured illicitly even on one of the islands in the bay of Rio de Janeiro. In view of that situation Brazil had resolved to take the initiative in calling the first inter-American meeting on the illicit traffic in cocaine and coca leaves, which had been held at Rio de Janeiro in March 1960. He was in favour of rigid control of both cocaine and coca leaves and welcomed the fact that some of the measures agreed upon at the inter-American meeting were already being put into force. Because his government was in favour of the limitation of production, and trade in coca leaves and crude cocaine, it favoured the designation of a list of producing countries in article 37.

Mr. ZOLLNER (Dahomey) endorsed the views expressed by the Chinese representative regarding article 37, but thought that the article should be made more flexible by some drafting changes and by introduc-

ing some procedure for amending the list of producing countries. The number of producing countries should, however, remain limited for, however strict the controls imposed, some of the drugs were always diverted to the illicit market. The argument that to prevent a country from producing cocaine or any other drug was an infringement of its sovereignty was inadmissible; personal freedom ended where that of others began and the same principle applied to States as to individuals.

Mr. CURRAN (Canada) thought that excessive emphasis on the sovereign rights of States and on the needs of economic development was out of place in the drawing up of a technical Convention, whose purpose was to ensure that narcotics were used only for medical and scientific purposes and to suppress their diversion into illicit traffic. It was certainly important to guarantee an adequate supply to meet legitimate needs, and there should be a simple amendment procedure to ensure that supplies were maintained. His delegation supported the principle of a closed list of exporting countries.

Mr. BARONA (Mexico) expressed his delegation's support for the retention of a closed list in article 37, as had been urged by the delegations of the United States, Canada, China and others. The maximum degree of control should be imposed in order to prevent the diversion of the products concerned into the illicit traffic; account should of course be taken of the need for adequate supplies for medical and scientific purposes, but economic competition was out of place. Political and economic considerations should be set aside in favour of the interests of public health and morality; otherwise, the Conference might fail to achieve its fundamental purposes.

Mr. MONTERO BUSTAMANTE (Uruguay) said that he was particularly interested in the points made by the Netherlands representative in connexion with articles 2 and 38.

It was most important, as the Mexican representative had said, that the question of measures designed to protect society against the scourge of addiction should be considered independently of economic and political considerations. Experience in Latin America had shown the evil consequences of illicit drugs traffic among young people, especially in towns. It was a question of public health and morals, and he supported the representatives of Mexico, the United States and Canada in their arguments in favour of restricting trade in narcotic substances. He hoped that the Conference would succeed in drawing up a code which would avoid all possibilities of misunderstanding and be easily applicable all over the world.

Mrs. CAMPOMANES (Philippines) said that the Philippines was a rich agricultural country which would be in a position to profit from the production of opium and coca leaves, but her delegation nevertheless favoured a closed list of producing countries in the general interest. Some two years previously a large firm of drug manufacturers had applied for permission to operate on one of the islands of the Philippines, but that permis-

sion had been refused by the Government on the grounds that world supply was already sufficient. Excessive supply was one of the principal causes of illicit drug traffic. The acceptance of a closed list was not a surrender of sovereign rights, but a contribution to the success of international control measures; however, her delegation would accept an amendment to the article to make it more generally acceptable.

Mr. MENDIZABAL (Bolivia) said that delegations would realize that the subject under discussion was of great importance for his country. Coca leaves had presented a huge social problem since the beginning of the Bolivian Republic's existence; more than 80 per cent of the population chewed coca leaves, and the habit dated from before the foundation of the Republic. Progress was being made in solving the problem, and a new generation was growing up aware of its responsibilities. The provisions relating to coca leaves in the draft Convention were already in force in Bolivia. An attempt was being made to eradicate the chewing habit by educating the indigenous population and encouraging farmers to limit the cultivation of the coca bush, and in twenty or thirty years' time it might be possible to restrict cultivation to the acreage needed solely for medical and scientific purposes. His delegation welcomed the support voiced by the representatives of Brazil, China, the United States and other States for the closed list of producing countries in article 37. The indirect encouragement of other countries to produce coca leaves and cocaine would only aggravate the problem.

Mr. ACBA (Turkey) said that his delegation had made clear its position on article 32 and the reasons for its amendment to that article (E/CONF.34/L.2); Turkey was in favour of a similar closed list, also with a procedure for modification in the light of medical and scientific requirements, in the case of coca leaves. He supported the view that excessive insistence on sovereign rights was inappropriate in the present context.

Mr. TRAWIROSOEJANTO (Indonesia) said that the chewing of the coca leaf had been internationally recognized as a kind of addiction and needed to be eradicated, and the provisions of the draft Convention were in keeping with that view. With regard to article 37, he said that if the number of countries producing coca leaves for export was increased, the danger of diversion into illicit traffic would also grow.

There should be no fears regarding the ability of the three producing countries to meet the legitimate world demand. According to the report of PCOB to the Economic and Social Council in 1959, the three countries had produced a total of 12,930,473 kg of coca leaves in 1957. They had exported only 227,613 kg for the manufacture of cocaine and 159,635 kg for coca leaf chewing. Most of their production had been for chewing in their respective territories. But as that habit was being eradicated, the amount of coca leaves available for export would gradually increase enough to cover any increase in legitimate world demand; on the other hand, if demand did not increase, it would be possible to reduce production. His delegation believed that the

three producers mentioned would be in the best position to cope with future circumstances.

Mr. MAURTUA (Peru) said that in his country a campaign was proceeding to combat the chewing of coca leaves, and severe control measures had been adopted as recommended by the competent international agencies. His government's policy was to eradicate coca leaf chewing, which was an age-old habit among the indigenous race, by gradual steps. Scientists had reached the conclusion that even though the amount of narcotic substances absorbed was small, it nevertheless had harmful physical effects. His government had introduced legislation to punish dealers in drugs, and there was close co-operation between the courts and the police. The problem had been put before the Economic and Social Council and, there too, it was felt that control measures should be adopted. Technical assistance might be needed to help solve the problem, which was linked with other problems affecting the indigenous population.

Mr. ANSLINGER (United States of America) commended the speech of the Uruguayan representative urging that, in the control of narcotics, the interests of humanity should be paramount. Narcotics had taken more lives than hydrogen bombs would ever do and indeed, as had been stated in the early days of the League of Nations, the problem of the international control of drugs was comparable with and might be related to the question of disarmament. Herbert May, of PCOB, had also compared the disarmament problem with that of narcotics control.

Mr. NIKOLIC (Yugoslavia) said that, during the discussion on article 32, his delegation had explained its position with regard to the principle of a closed list of producing countries. The inclusion of a country in the list should not be regarded as a favour. At the same time, a more flexible provision, such as that suggested in the Turkish amendment to article 32, might well be desirable. His delegation did not have a fixed opinion on the subject; some kind of list would, however, be of great assistance in curbing illicit traffic.

The PRESIDENT suggested that the *ad hoc* committee to consider articles 35 to 38 should be composed of the representatives of Bolivia, Brazil, Canada, China, France, Indonesia, the Netherlands, Peru, Turkey, the Union of Soviet Socialist Republics and the United States of America.

It was so agreed.

The meeting rose at 12.15 p.m.

THIRTEENTH PLENARY MEETING*Wednesday, 8 February 1961, at 10.40 a.m.**President: Mr. SCHURMANN (Netherlands)**later: Mr. BANERJI (India)***Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1 to 3; E/CONF.34/5) (continued)***Article 39 (Prohibition of cannabis)*

Mr. FAHMI (United Arab Republic) explained that the Egyptian region of his country, because of its geographical position, was more troubled by the misuse of cannabis than any other area in the Middle East. In certain countries there was large-scale production of cannabis, the greater part of which was smuggled into the Egyptian region. His government had not been able to protect the region from the influx of cannabis, even by the very severe penalties laid down in the Narcotics Act of 1960, careful police supervision of frontier areas, and stringent measures to suppress the illicit traffic. Consequently, his delegation attached great importance to strict control of the cultivation of the cannabis plant and the production of cannabis and cannabis resin, and would support article 39 of the draft Convention. He did not think there was any contradiction between the provisions of article 39 and the right of every State freely to dispose of its natural resources. WHO, having found no justification for the medical use of cannabis preparations, favoured continued prohibition or restriction of such use (E/CONF.34/5, page 3), and he urged countries in which the cannabis plant was cultivated to assume the obligations set forth in article 39. The Single Convention would be effective only if world-wide control was achieved through the co-operation of all States.

Mr. NIKOLIC (Yugoslavia) said that the cannabis plant was cultivated in his country for the sake of its fibre and seed, and there was no danger of its use as a narcotic. He proposed that at the end of paragraph 1 a sentence should be inserted stating that the provisions prohibiting the production of cannabis should not apply to countries where cannabis was produced for industrial purposes only.

Mr. BUKOWSKI (Poland) said that the cultivation of the cannabis plant presented no problem in his country. As a paper submitted by his government to the Commission on Narcotic Drugs demonstrated (E/CN.7/372), the varieties of the cannabis plant cultivated in Poland did not contain any active components in quantities sufficient to cause a "narcotic" effect. The manufacture and importation of tinctures of cannabis were prohibited, but Poland could not agree to prohibit the production of cannabis itself.

Mr. SAFWAT (Permanent Anti-narcotics Bureau of the League of Arab States) said that he had fresh infor-

mation about the situation in the Middle East, based on reports submitted to the Bureau by Arab States, the report of the Middle East narcotics survey mission (E/CN.7/382) and observations made on his recent tour of the Arab countries. The narcotics problem in the Middle East had gone from bad to worse. The Egyptian region of the United Arab Republic was still the principal victim of the illicit traffic in hashish. Despite the intense efforts of the authorities to combat the use of hashish and the severe penalties imposed by the law, the region had felt the effect of the expanding cultivation of cannabis plants in Lebanon. Hashish was preferred to other narcotics by addicts, and its use was no longer confined to members of the poorer class. Large quantities were being smuggled to the interior of the Egyptian region by several routes; it was heartening to note, however, that in 1960 the authorities in that region had seized twice the amount of hashish confiscated in 1959. One notorious smuggler, who possessed both Jordanian and Lebanese passports, had brought more than seven tons of hashish and opium into the Egyptian region via Israel.

The use of hashish was practically unknown in the Syrian region. However, large quantities of the drug were being smuggled through that region on the way from Lebanon to Israel and the Egyptian region.

The cultivation of the cannabis plant in Lebanon was spreading. And although the Lebanese authorities made determined efforts to seize prepared hashish, they had not destroyed any cannabis plants during the past three years. Had the Lebanese authorities seriously sought to combat the cultivation of the cannabis plant, the area under cultivation would not have increased from year to year. However, the Prime Minister of Lebanon had assured the Bureau that he would take whatever measures were required. The number of persons using hashish in Lebanon itself was small; most of the drug produced there was smuggled into the Egyptian region of the United Arab Republic.

Jordan, Saudi Arabia, Iraq and Sudan did not cultivate the cannabis plant or produce hashish, but provided markets for hashish transported illicitly from Lebanon.

Mr. SHADOURSKY (Byelorussian Soviet Socialist Republic) said that in his country the cannabis plant was cultivated only for industrial purposes, to obtain fibre and seed. Cannabis resin was neither produced nor used for medical purposes in the Byelorussian SSR. The cannabis plant cultivated there did not contain narcotic substances, as the active ingredients of the cannabis resin, particularly the tetrahydrocannabinol compounds, were found only in certain varieties of the plant grown in warm and dry climates. His government had no problem with the use of cannabis as a narcotic and would oppose prohibition of the production of cannabis for industrial purposes.

He recalled that cannabis preparations were used in indigenous medicine, particularly in South-east Asian countries, for the treatment of various maladies. The medical usefulness of cannabis preparations should therefore be studied primarily in those countries which were directly concerned. Total prohibition of the medical use of such preparations might be premature, particularly

as some time would be required for certain States to secure substitutes.

A final judgement on the antibiotic value of cannabis could not be made at the present time. The data in document E/CONF.34/5 did not indicate that it was possible to extract from the cannabis plant antibacterial drugs which would be superior to existing antibiotics. And even if narcotic drugs were found to have antibiotic properties, their use for medical purposes could hardly be recommended in view of their negative narcotic properties.

In conclusion, his delegation would have no objection to article 39, if a provision was inserted excluding countries where the cannabis plant was produced for industrial purposes.

Mr. LANDE (Deputy Executive Secretary) said that there appeared to be some misunderstanding concerning the scope of article 39. Under the terms of the draft Convention, the cultivation of the cannabis plant grown only for industrial purposes would not be controlled.

Mr. GREGORIADES (Greece) said that the medical authorities in his country had concluded that cannabis and cannabis preparations had no therapeutic value. That conclusion was corroborated by the opinion of the WHO Expert Committee on Addiction-producing Drugs, which had found that the medical use of cannabis was practically obsolete and that such use was no longer justified (WHO *Techn. Rep. Ser.*, 1952, 57, p. 11). His government believed that preparations of uncertain medical value containing narcotic drugs should not be put to use. He accordingly proposed the deletion of paragraph 3.

Mr. VERTES (Hungary) shared the view of the Yugoslav and Byelorussian delegations that article 39 should contain an explicit statement excepting countries where cannabis was cultivated for industrial purposes from the provisions prohibiting the production of cannabis and cannabis resin.

Mr. TILAK RAJ (India) recalled that at the 9th meeting in the discussion on article 31 the United States representative had suggested that a clause worded in the same way as article 35, paragraph 1, governing the cultivation of the coca bush, should be made applicable to poppy straw. His delegation considered that a like provision should be incorporated in article 39 relating to cannabis. Opium, cannabis resin and cocaine should all be subjected to stringent controls, and the less deleterious products—poppy straw, the leaves and even flowering tops of the cannabis plant, and the coca leaf—should be controlled somewhat less strictly. The treatment of the less harmful products should, however, also be uniform; for example, he saw no reason for a mandatory prohibition on the production of cannabis if poppy straw was not going to be put under national control. Moreover, as the cannabis plant grew wild in India, it might not be feasible for his government, even with considerable expenditure, to enforce prohibition of the production of cannabis.

India believed in total prohibition as a matter of

national policy, and had already imposed a ban on the production of, trade in, possession and consumption of cannabis resin. While the controls on ganja and bhang were being strengthened from year to year, the smuggling of ganja from neighbouring countries, sharing long land frontiers with India, had increased considerably in recent years. Every effort was being made to check the illicit import of ganja and bhang; India would not be able, however, to enforce prohibitions on the use of those substances, particularly in remote localities where, as inexpensive sedatives, they were used for medical and quasi-medical purposes.

If prohibition was not going to be mandatory with respect to the drugs in schedule IV, there would be no justification for retaining the mandatory prohibition on the production of cannabis and cannabis resin in article 39. The cannabis drugs, other than cannabis resin, were certainly not as dangerous as some other drugs, such as heroin and ketobemidone, listed in schedule IV. The WHO Expert Committee had indicated that the use of cannabis preparations was obsolete and not dangerous, and had suggested that prohibition or restriction of the medical use of the drugs should continue to be simply recommended. If the mandatory prohibitions relating to cannabis preparations were retained, his delegation would have to reserve the right, under article 56, paragraph 4 (f), to use cannabis for medical and quasi-medical purposes for at least twenty-five years.

Mr. ASLAM (Pakistan) associated himself with the comments made by the Indian representative.

Mr. CERNIK (Czechoslovakia) said that, although he was satisfied with the Deputy Executive Secretary's explanation that article 39 did not apply to the production of the cannabis plant for industrial purposes, he thought the point should be spelled out in the text. That was particularly important to his country because Czechoslovakia, like many other central European countries, cultivated the cannabis plant, but it was a variety that did not produce resin.

Mr. DANNER (Federal Republic of Germany) said that in his country some preparations containing a low percentage of cannabis were used in homeopathic medicine. The cannabis plant was also cultivated for fibre and seeds. There had been no known cases of abuse, and it seemed unnecessary to prohibit the use of cannabis for therapeutic purposes if all production for such purposes was controlled by a system of licences, as in Germany. He supported the opinion of the WHO Expert Committee on Addiction-producing Drugs that the prohibition or restriction of the medical use of such substances as cannabis should continue to be recommended but should not be mandatory.

Mr. BITTENCOURT (Brazil) said that, although the cultivation of maconha (*cannabis sativa L.*) was forbidden by law in Brazil, it was cultivated fairly extensively in the north-eastern part of the country, and it also grew wild. The agricultural and police authorities had strict instructions to destroy the plant wherever it was discovered, but a considerable amount of cannabis found its way into the illicit traffic. The problem had

become so serious that a symposium had recently been organized at São Paulo to discuss all aspects of the problem.

According to Brazilian medical opinion, the cannabis produced in the country was not addiction-producing but merely habit-forming. There was therefore a cannabism, but not a "cannabismania". However, under Brazilian law, all parts of the plant and the resin were treated as narcotic substances and subjected to strict control. His delegation was therefore in full agreement with article 39 as it stood. Its application would help to control the illicit traffic, which had increased enormously in Brazil over the last five years because of the relatively low cost of maconha cigarettes, compared with other narcotics. That traffic was so considerable that at one time ten tons of that plant had been burned in the state of Alagoas; and some cultivators had begun to import cannabis seeds from other countries and attempts were made to cultivate the crop in the southern part of the country. Fortunately, however, the plantations were not yet large and the authorities would be able to deal with the problem in a more effective and radical way.

Mr. ADJEPONG (Ghana) said that cannabis, which had no therapeutic use, should be controlled as strictly as opium. Addiction among cannabis users was unlike addiction among the users of morphine or heroin. With morphine or heroin the addict had to have the drug to feel normal, while with cannabis he wished to recapture the pleasurable euphoric state into which the drug lifted him. He lost his balance, and a dull state supervened in which ethereal and intellectual deterioration and apathy were the outstanding factors. The amount consumed by young persons under twenty-one years of age was increasing greatly in Ghana, with the result that juvenile delinquency was also on the increase. His government was determined to stamp out the habit, and was considering imposing heavy penalties for the cultivation and sale of cannabis. However, any steps his government took would be ineffective if there was no control in other countries. Morphine and heroin had harmful effects on the addicts themselves, but cannabis produced anti-social behaviour which was a threat to the whole community. He felt that article 39 should be redrafted so as to stress the social aspect of the question.

Mr. Banerji (India) took the Chair.

Mrs. JAKOVLEVA (Union of Soviet Socialist Republics) said that cannabis preparations were prohibited in her country, and the plant was cultivated only for its fibre and oil, so that it did not give rise to any problems. She accepted the Deputy Executive Secretary's assurance that the prohibition contained in article 39, paragraph 1, did not apply to the cultivation of the cannabis plant for industrial uses, but she thought that that should be explicitly stated in the text. A suitable wording might be agreed upon by the technical committee and the *ad hoc* committee on article 39.

Dr. MABILEAU (France) said that article 39 was acceptable to his delegation as drafted. The comments of other delegations had drawn his attention to the fact that although cannabis had no therapeutic value —

as had been confirmed by the WHO representative at the twelfth session of the Commission on Narcotic Drugs and again in document E/CONF.34/5 — some therapeutic use might possibly be found for it in the future.

From the Deputy Executive Secretary's explanation, it was clear that the prohibition in article 39 did not extend to the cultivation of cannabis for industrial purposes; a provision to that effect should be added. Exceptions should be allowed also where the drug was used in indigenous medicine or for veterinary purposes, as in Burma, but it was an addiction-producing drug and every effort should be made to keep it out of the illicit traffic.

Mr. Schurmann (Netherlands) resumed the Chair.

Mr. KRUYSSSE (Netherlands) said that extracts and tinctures of cannabis were used in small quantities for medical purposes in the Netherlands, but there had never been any sign of abuse. He considered, therefore, that it would be going too far to prohibit the medical use of such preparations. Preferably, cannabis should be placed in schedule IV, for in that way governments would be free to accept or reject the recommendation that it should be prohibited.

Mr. GRINBERG (Bulgaria) concurred in the view expressed by other delegations that, although the production of cannabis and cannabis resin should be subject to the strictest control, the cultivation of the plant for industrial purposes should be subject to none. The cannabis plant was grown for its fibre and seeds in his country, but it did not contain any addiction-producing substances. Although the Deputy Executive Secretary's explanation had allayed some of the misgivings expressed regarding the scope of article 39, he thought that the article should state expressly that its provisions did not apply to cannabis as an industrial crop.

Mr. GREEN (United Kingdom) said that article 39 was not of direct concern to his country, where cannabis was not grown and was not used for medical purposes. He had, however, some doubts about paragraph 1, which contained an absolute prohibition, a measure which did not appear in any other article. It would be recommended that the substances in schedule IV should be prohibited, but in the particular case, the prohibition was mandatory and was contained in the text of the Convention, with the consequence that the removal of the prohibition would require an amendment of the Convention itself. That would not be the case if cannabis and cannabis resin were placed in schedule IV.

He concurred in the French representative's view that although no new therapeutic uses had been found for cannabis in recent years, it was not impossible that such uses might be found in the future. It would therefore be unwise to preclude such a possibility. If cannabis and cannabis resin were included in schedule IV and the prohibition was deleted from article 39, that difficulty and also many of those raised by the Indian representative would be met.

He could not agree with the Indian representative's view that the same control measures should apply to poppy straw, coca leaves and cannabis leaves and tops.

There was a fundamental difference between poppy straw and the other two: it was easy to use coca leaf and cannabis for chewing or smoking, whereas it was very difficult to extract the narcotic substance from poppy straw.

Mr. GIORDANO (United States of America) pointed out that although cannabis might be merely habit-forming instead of addiction-producing, it was very often only a stepping stone to heroin addiction. For that reason, he thought that article 39 should remain as drafted.

Mr. BITTENCOURT (Brazil) said that the problem of maconha addiction was both a social and a health problem in Brazil. He agreed with the representative of Ghana that cannabis was not so strongly addiction-producing as heroin and morphine. Over more than forty years of clinical observations, not a single death had been recorded as a result of maconha deprivation, and there was not in any case the classical crisis of withdrawal as in the case of morphine and heroin.

U KYIN (Burma) said that the production and use of cannabis were totally prohibited in Burma. There were very few addicts among the Burmese, but some were to be found among the immigrants from India and Pakistan. His government had made strenuous efforts to wipe out the illicit cultivation of the cannabis plant, but had been hampered by the presence of insurgents in the Pegu hills. All cannabis seizures were destroyed except for a small amount, which was used for the treatment of elephants in the timber industry. Such a use was not covered by the present text of article 39. Paragraph 3, which made an exception for the use of cannabis in indigenous medicine, could not be construed to cover its use for elephants. That gap should be filled by a suitable worded text.

Mr. CURRAN (Canada) said that the cultivation and use of cannabis were prohibited in Canada, although it had no marijuana problem. He thought that many of the objections to the present text of article 39 were met by the redrafts of articles 2 and 3 (E/CONF.34/C.2/L.7). Under those provisions, it would be perfectly feasible to include cannabis in schedule IV, thus leaving governments free to prohibit the production of cannabis or not, as they saw fit. When the *ad hoc* committee took up article 39, it should bear articles 2 and 3 in mind.

Mr. CHIKARAISHI (Japan) said that in Japan cannabis was grown for fibre and seeds only, but its cultivation was not permitted except under licence. Japan had no cannabis addiction problem. He agreed that the article should expressly exclude the cultivation of cannabis for industrial purposes from its scope.

Mr. LIMB (Korea) agreed that article 39 should state clearly that its provisions did not apply to the cultivation of cannabis for industrial purposes, for that would make the Convention more generally acceptable. In Korea, it was not cultivated for any other purpose.

Mr. HOLZ (Venezuela) expressed agreement with the delegations which looked upon cannabis as a grave social danger. The problem was not one of great national

importance in Venezuela, but the illicit traffic in marijuana had recently increased and even cases of cultivation of the plant had been discovered. The health and police authorities were taking severe measures to curb the illicit traffic.

His delegation believed that cannabis had no demonstrable therapeutic effects which could not be obtained from less dangerous drugs. He supported the Brazilian representative's suggestion that the control provisions contained in article 39 be retained, if only in the form of a recommendation.

Mr. CHA (China) said that in China, marijuana smoking was not a serious problem. His government was, however, interested in the matter, partly because there was no certainty that with the growth of international trade and tourism narcotic derivatives of the cannabis plant would not be smuggled into the country. The cannabis plant had been cultivated in the province of Sinkiang, in western China, in the early 1930s, and cannabis products had been exported from there to India. The Government of India at the time had considered the situation very serious, and League of Nations reports had accused China of supplying large quantities of cannabis to that country. Through the Chinese Government had been unable to cope with the problem, being then engaged in dealing with troubles in Manchuria, it had directed the provincial authorities to put a stop to the cultivation of the cannabis plant. The League of Nations reports in the late 1930s showed that, by that time, very little cannabis was being exported to India. The Chinese Government had acted, not in response to protests or in compliance with treaty obligations, but because it had believed its action to be the right one. He had mentioned the example in order to show that if a course of action was right it should be followed with resolve. The WHO experts had found that cannabis was obsolete as a medicine, and his delegation considered that governments should be urged to prohibit the production of cannabis entirely. However, if a number of governments thought that total prohibition would be difficult, it might be preferable to recommend, rather than require, such prohibition. He nevertheless wished to stress his delegation's earnest hope that total prohibition would become a reality eventually.

Mr. BANERJI (India) wished to make it clear that his delegation had no disagreement with article 39 in principle, and to assure the Chinese representative that India's aim and policy were total prohibition; in fact, that principle was embodied in its constitution. The question was what form the article should take; it seemed illogical that the prohibition of the drugs listed in schedule IV, such as heroin and ketobemidone and even cannabis resin, should be merely recommendatory in that context, while cannabis products, which were less noxious, came under a mandatory prohibition. Moreover, as the representative of the Federal Republic of Germany had pointed out, some cannabis products could be of use in homeopathic medicine.

According to document E/CN.7/399 (paragraph 28), the illicit traffic in cannabis was largely domestic or between countries with common frontiers; it should there-

fore be left to governments to decide on appropriate measures. India had to administer a frontier of approximately 5,000 miles, and a government in the throes of economic development could not reasonably be asked to deploy all the necessary resources for preventing the inflow of cannabis products or engage in the destruction of wild growth when the expense would be out of all proportion to the good likely to be achieved. Cannabis addiction, like alcoholism, did not constitute a serious social problem in India. Nor did marijuana-smoking lead on to the taking of heroin, since the latter drug was unknown in his country. He fully recognized the difficulties of other countries, but suggested that those could be best dealt with by bilateral or regional agreements.

The United Kingdom representative had said that the extraction of morphine from poppy straw required a more elaborate process than the production of cannabis from the cannabis plant; but his delegation could state, on the basis of experience, that a "brew" could be made from poppy capsules in almost the same way as from cannabis.

Mr. SOSSA (Panama) was in favour of rigorous controls over the cannabis plant, the sowing and cultivation of which were prohibited in his country; drastic measures were also used to combat illicit traffic. As a result of thorough control, cannabis was not a serious social problem. His delegation therefore had no difficulty in accepting article 39 as drafted.

Mr. MONTERO-BUSTAMANTE (Uruguay) said that the view of his delegation regarding the consumption of toxic substances had been made clear at the twelfth plenary meeting. His delegation had studied article 39 with care; he realized the need for flexibility in its provisions, and, for example, the importance of cannabis in the systems of Ayurvedic, Unani and Tibbi medicine. There was also the question of the cultivation of the cannabis plant for the production of fibre and of oils. While his delegation would like cannabis to disappear entirely, justifiable interests should be respected. In view of the secretariat's assurances on that last point, however, he did not consider that the wording of the article could be improved.

Mr. GIORDANO (United States of America) asked if the Deputy Executive Secretary would elaborate his earlier statement that the cultivation of the cannabis plant for commercial use was not covered by the article, in view of the fact that some delegations were still concerned about the matter.

Mr. LANDE (Deputy Executive Secretary) said he thought that misunderstanding on the point had arisen from the fact that the terminology used in the article was that of the relevant treaty language and did not coincide with common usage. For example, "production" as defined in article 1 meant the separation of a narcotic substance from the plant from which it was obtained, and "cannabis" meant the drug and not the cannabis plant. It would be found, if the article was read with that understanding, that there was no reference to the cultivation of the cannabis plant except in paragraph 4, in

connexion with illicit traffic, and that cultivation for industrial purposes was not controlled.

Mr. A. JOHNSON (Liberia) said that cannabis addiction was not a major problem in his country at present, although there was some evidence that it might be in an incipient stage. He therefore welcomed the provisions of article 39, in so far as they were designed to restrict the use of cannabis to medical and scientific purposes, and was in favour of paragraph 3 permitting its use in indigenous medicine. He would support the principle of the article, but reserved the right to put forward suggestions for stricter control, similar to that provided in article 31, when the matter was discussed in the *ad hoc* committee.

Mr. MABILEAU (France) said he wished to comment on the statement of some delegations that, owing to climatic conditions in their countries, the cannabis plants cultivated there did not yield an addiction-producing resin. It should be remembered that traffickers might import from another country a variety of the plant which had an addiction-producing resin and would be able to cultivate plants which would yield such a resin for two or three years.

Mr. GREEN (United Kingdom) suggested that the Conference should take a vote on the question whether cannabis production should be completely prohibited or not; the work of the *ad hoc* committee would then be simplified.

Mr. NIKOLIC (Yugoslavia), supported by Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic), opposed the suggestion, preferring that the *ad hoc* committee should consider the various alternative proposals and then refer the matter to the plenary for final decision.

Mr. GREEN (United Kingdom) withdrew his suggestion.

The PRESIDENT suggested that the *ad hoc* committee to consider article 39 should be composed of the representatives of Brazil, Burma, the Byelorussian Soviet Socialist Republic, Canada, China, the Republic of the Congo (Leopoldville), Costa Rica, Czechoslovakia, Dahomey, France, Ghana, Haiti, Hungary, India, Italy, Lebanon, Liberia, Mexico, Morocco, the Netherlands, Nigeria, Pakistan, Panama, Poland, Senegal, Togo, Tunisia, Turkey, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom, the United States of America, and Yugoslavia.

It was so agreed.

The meeting rose at 12.40 p.m.

FOURTEENTH PLENARY MEETING

Tuesday, 14 February 1961, at 2.50 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)

The PRESIDENT drew attention to the report of the *ad hoc* committee appointed to deal with articles 2 and 3 of the third draft (E/CONF. 34/C.2/L.7).

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) pointed out that the *ad hoc* committee had decided to defer consideration of article 3, paragraph 8, which would, therefore, presumably not be put to the vote immediately.

Mr. RODIONOV (Union of Soviet Socialist Republics), agreeing, drew attention to the fact that deferment of discussion had also been suggested in the case of article 2, paragraph 9. He suggested that the Conference could approve the report as a whole without going into details, and ask the drafting committee to bear in mind the various points mentioned in footnotes.

Mr. CURRAN (Canada) thought that there had been no particular difficulties with the wording of article 2, paragraph 9, and suggested that the Conference could adopt the proposed articles in their entirety and leave to the drafting committee the deletion of any provision which later proved to be unnecessary.

Dr. MABILEAU (France), referring to article 3, paragraph 7, said that the views of the committee with regard to the body of experts which might be set up to review decisions of the Commission were not sufficiently clear for the matter to be left to the drafting committee. He considered that the opinion of WHO on the medical aspects of the question should be final, although a party would be entitled to ask for reconsideration in the light of new documentary evidence.

Mr. CURRAN (Canada) suggested that that question should be deferred temporarily, and the Conference confine its discussion for the moment to article 2 as drafted by the *ad hoc* committee.

It was so agreed.

Article 2 (Substances under control) (resumed from the 6th plenary meeting)

Mr. BANERJI (India), referring to paragraph 9 of article 2 as drafted by the *ad hoc* committee, supported the suggestion of the USSR representative that the committee should adopt the draft contained in the report and at the same time approve the suggestion in the footnote to that paragraph. If, on the other hand, an immediate decision was to be taken, his delegation would vote against the deletion of the paragraph, as it considered some such provision necessary.

Mr. KOCH (Denmark) suggested that in paragraph 5 (b) the words "in its opinion" should be inserted

before the words "the most appropriate means", in order to make it clear that the decision whether or not to prohibit a drug was one for the government concerned to take.

The CHAIRMAN suggested that the matter could be left to the drafting committee.

Mr. NIKOLIC (Yugoslavia) drew attention to the footnote to paragraph 8. When the Commission on Narcotic Drugs had drafted the paragraph in question, after discussions which had continued over several years, its intention had been primarily to cover raw materials used in the manufacture of synthetic drugs. The *ad hoc* committee, however, had decided by a vote to delete the words "synthetic and other" which occurred in the third draft. He proposed that the Conference should restore the words "synthetic and other".

Mr. GREEN (United Kingdom), supported by Mr. De BAGGIO (United States of America), considered that the words were redundant. The expression "synthetic and other drugs" meant no more than the expression "drugs"; if it had intended that the provision should apply only to synthetic drugs, the Commission would have said so clearly.

Mr. ACBA (Turkey) said that in the first draft of the Convention (E/CN.7/AC.3/3), the expression used in that paragraph had been "synthetic drugs"; the words "and other" had been added later, and he agreed that that addition rendered an originally explicit reference to synthetic drugs meaningless. However, since the intention had in fact been, as the Yugoslav representative had said, that there should be such a specific reference, he submitted an amendment to the Yugoslav proposal, to the effect that the single word "synthetic" should be inserted before the word "drugs".

Dr. MABILEAU (France) supported the Turkish amendment. It was traditional to make a distinction between natural and synthetic drugs; natural drugs were well known, and amply covered by the provisions of the draft Convention, but the Convention contained hardly any explicit reference to synthetic drugs. Such drugs presented a very serious and growing peril, and doctors were often less conscious of their dangerous qualities than of those of natural drugs. The Turkish amendment might make the paragraph less comprehensive in its application, but at least it would draw clear attention to the problem of synthetic drugs.

He suggested that a roll-call vote be taken on the question so that it could be placed on record which countries were opposed to a reference to synthetic drugs.

Mr. BANERJI (India) supported the two previous speakers. He recognized the cogency of the United Kingdom representative's argument; however, if the Convention was to gain popular support, it should be made clear that it applied equally to synthetic drugs, which were coming more and more into circulation.

Mr. DANNER (Federal Republic of Germany) said that in the first draft of the Convention the Commission had intended to cover only synthetic drugs; its attention

had been drawn, however, to chemical compounds like acetic anhydride which could be used in the conversion of morphine into heroin, and it had added the words "and other" to include natural drugs as well. That was how the phrase "synthetic and other" had come to be used. The word "drugs" clearly covered both synthetic and natural substances.

Mr. GREEN (United Kingdom) agreed with the representative of the Federal Republic of Germany that the Commission had not intended to restrict the paragraph to materials for the manufacture of synthetic drugs. While it was true that synthetic drugs could be dangerous, he saw no reason for inserting a special reference to them, as the provisions of the Convention referred to all drugs, synthetic and natural alike. Moreover, the reference would be particularly inappropriate in paragraph 8, which dealt with illicit manufacture, since the report of the PCOB and the Commission on Narcotic Drugs indicated that there was practically no such manufacture of synthetic substances.

Mr. NIKOLIC (Yugoslavia) said that the history of the paragraph had been correctly described by the Turkish representative. The paragraph had been initially designed to deal with synthetic drugs. When the Convention had been re-drafted a year later, some delegations had asked for the addition of the words "and other" so that the provision would be extended to natural drugs, and now the same delegations were using the addition of those words as an argument for the deletion of the word "synthetic". He associated his delegation with the proposal of the Turkish delegation, and would press for a vote on his own amendment only if the Turkish amendment failed.

Mr. KRUYSSSE (Netherlands) said that the Netherlands, as a narcotics manufacturing country, did not believe that a distinction could be made between natural and synthetic drugs: both were dangerous to public health and both had to be placed under control. Paragraph 8 could usefully be applied to synthetic and natural substances alike, and the Turkish amendment restricting the scope of paragraph 8 to synthetic drugs would merely weaken its effectiveness. All references to "drugs" in the Convention meant both natural and synthetic drugs.

Mr. De BAGGIO (United States of America) pointed out that the word "drug" as defined in the draft Convention undoubtedly covered both natural and synthetic drugs. But if the word "synthetic" were used in paragraph 8, the word "drug" in other paragraphs might be interpreted as not intended to include synthetic as well as natural drugs.

Mr. ACBA (Turkey) could not agree that synthetic and natural drugs were treated equally in the draft Convention. Paragraph 7 of article 2 declared that the opium poppy, the coca bush, and the cannabis plant, which were all raw materials of natural narcotic drugs, were subject to specified control measures. It was logical, therefore, that the next paragraph should deal with the raw materials of synthetic drugs. If paragraph 8 as

drafted by the *ad hoc* committee were adopted, the Convention, which had so many clauses dealing specifically with the raw materials of natural drugs, would not contain a single reference to the raw materials of synthetic drugs.

Mr. CURRAN (Canada) said that the Convention if approved could be expected to remain in force for a long time. In the future, synthetic drugs would undoubtedly assume more importance than natural drugs. It was also true that the draft Convention emphasized the natural drugs. But the insertion of the word "synthetic" in one paragraph was either too much or too little. Since a drug was not prohibited or controlled unless it was listed in the appropriate schedule, the insertion of the word "synthetic" had no great significance. In fact, it was the word "drug" that should be stressed. He pointed out that both natural and synthetic drugs were listed in the various schedules.

The PRESIDENT said that, under rule 43 of the rules of procedure, the Turkish amendment adding the word "synthetic" before the word "drugs" in paragraph 8 would be voted on first.

At the request of the Turkish representative, a vote was taken by roll-call.

Italy, having been drawn by lot by the President, was called upon to vote first.

In favour: Mexico, Morocco, Poland, Portugal, Spain, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Afghanistan, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Congo (capital: Leopoldville), Czechoslovakia, Dahomey, France, Hungary, India.

Against: Japan, Republic of Korea, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Philippines, Sweden, Switzerland, Thailand, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Bolivia, Brazil, Canada, Chile, China, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Ghana, Greece, Holy See, Indonesia, Iran, Israel.

Abstaining: Peru.

The result of the vote was 33 against and 20 in favour, with 1 abstention.

The Turkish amendment was rejected.

The PRESIDENT put to the vote the Yugoslav amendment adding the words "synthetic and other" before the word "drugs" in paragraph 8.

The Yugoslav amendment to paragraph 8 was rejected by 26 votes to 25, with 2 abstentions.

Mr. GRINBERG (Bulgaria) suggested that paragraph 2 (i) would become meaningless if the Conference should endorse the decision of the appropriate *ad hoc* committee on article 41, paragraph 2(b) (E/CONF. 34/9). Furthermore, the reference to "destruction" in paragraph 1(v) should be deleted.

The PRESIDENT thought that those points might be left to the drafting committee.

Mr. DIORONOV (Union of Soviet Socialist Republics) said that in voting for article 2 as a whole, his delegation would not be approving the other articles mentioned in article 2 which had not yet been considered by the *ad hoc* committees.

The PRESIDENT assured the representative of the USSR that the vote on article 2 as a whole would relate only to the general sense of that article, and not to specific wording.

Mr. ACBA (Turkey) said that, in a spirit of compromise, he would not ask for a vote to be taken on the question of providing for the mandatory prohibition of schedule IV drugs in paragraph 5, but would like to draw the attention of the Conference to his delegation's view, as recorded in footnote 2 of the *ad hoc* committee's report (E/CONF.34/C.2/L.7).

Mr. MAURTUA (Peru) asked whether under the "except" clause in paragraph 5 (b) the drugs in question could be used in medical treatment.

The PRESIDENT said that the question would be considered in due course by the drafting committee.

Mr. BANERJI (India), referring to paragraph 6, said that the drafting committee should note that the appropriate *ad hoc* committee had decided to delete article 34 (E/CONF.34/13).

Mr. RODIONOV (Union of Soviet Socialist Republics) suggested that, in keeping with the footnote to article 2, paragraph 9, that paragraph should be excepted from the vote on article 2 as a whole.

It was so agreed.

Article 2 as a whole, with the exception of paragraph 9, was adopted by 53 votes to none, with 1 abstention.

The meeting rose at 4.20 p.m.

FIFTEENTH PLENARY MEETING

Wednesday, 15 February 1961, at 10.40 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)

Article 3 (Changes in the scope of control) (resumed from the 6th plenary meeting)

The PRESIDENT invited the Conference to consider the *ad hoc* committee's report on article 3 of the draft Convention (E/CONF.34/C.2/L.7).

Dr. HALBACH (World Health Organization) said he was not happy about the use of the words "medical and scientific evidence" in paragraph 7 (a), which outlined an appeals procedure. The implication appeared to be that the proposed review body would be empowered

to reconsider decisions of the Commission on medical and scientific grounds. That would in effect mean reviewing, and possibly reversing, the recommendations of WHO's Expert Committee on Addiction-producing Drugs. But the World Health Organization was the agency responsible, within the United Nations network, for the medical and scientific aspects of narcotics control. That function could hardly be taken over by some body outside WHO, and accordingly he hoped that the words in question would be deleted; the drafting committee might perhaps deal with the matter.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation was prepared to support article 3 as a whole, but thought that paragraph 8 should be held in abeyance pending a final decision on article 10.

Mr. CURRAN (Canada) said that the drafting committee had already given some thought to the matter of paragraph 7 (a), and a revision of the phrase to which the representative of WHO objected was under consideration.

Mr. AZARAKHSH (Iran) thought that the proposal to appoint an independent body of experts to review decisions arrived at after dual consideration implied a lack of confidence in WHO. The United Nations should have absolute confidence in its own technical organs. In any case, the procedure proposed would, he thought, be invoked only if a manufacturing country was dissatisfied with a decision of WHO by reason of commercial considerations, whereas WHO's decision would have been reached on the basis of public health considerations generally and should surely prevail. Moreover, the members of the proposed reviewing body would have to be experts in drug addiction; but there were very few such experts in the world, and most of them were already members of the WHO Expert Committee.

Dr. HALBACH (World Health Organization) wished to make it clear that WHO would not reject any new scientific or other related evidence, but as far as that was concerned paragraph 1 of article 3 was, he thought, adequate.

Dr. MABILEAU (France) said that his delegation was prepared to agree to article 3 as a whole, but realized that a question of principle was involved which should be resolved by the Conference. The proposed appeals procedure would involve the re-examination of positions adopted by the Commission upon the advice of WHO, which was its normal technical adviser. Furthermore, the decisions of the reviewing body would be final and binding on the Commission. His delegation was not opposed to the inclusion of a provision for appeal and was prepared to agree to the appointment of a reviewing body if the Conference as a whole so desired. It did not think, however, that that body's decisions should be binding upon the Commission. Accordingly, the words "in accordance with the decision so given" in paragraph 7 (d) should be deleted, so that the Commission would be free to adopt or not to adopt the reviewing body's recommendations, as

it saw fit. He noted that the proposal for a review procedure represented an addition of substance to the third draft of the Single Convention and hence under rule 38 of the rules of procedure would require a two-thirds majority vote for adoption.

Mr. NIKOLIC (Yugoslavia) said he had grave doubts about the competence of the proposed body of three experts who were to be empowered to reverse the decisions of the WHO Expert Committee on Addiction-producing Drugs. He entirely agreed with the representative of WHO that any appeal against the Commission's decisions based on new scientific evidence could perfectly well be made through the application of paragraph 1 of article 3.

Mr. CURRAN (Canada), referring to the French representative's remarks on paragraph 7 (d), said that it might be wise to provide that the Commission would take the final decision; the clause could be amended accordingly by the drafting committee. He pointed out, however, that the situations which the review procedure was intended to cover were entirely different in kind from those to which paragraph 1 of article 3 applied. They were cases where a party considered that certain aspects of a matter, or particular reasons, had not been given due weight in the framing of the original decision, and where, therefore, a new notification under paragraph 1 was not justified. It was important to provide for such contingencies.

Mr. YATES (Executive Secretary of the Conference) recalled the secretariat's earlier statement of its position to the effect that it had no objection to the continuation of the existing division of responsibility between the United Nations and WHO, as embodied in the 1948 Protocol. It appeared, however, that there was considerable support for the institution of some review procedure, and the secretariat would of course accept and implement any decision to that effect. The secretariat would interpret the proposed provision as permitting any party, by sending in a new notification, to seek a new determination at any time, whether or not a previous determination had been given under the review procedure. Secondly, under the existing arrangements between the United Nations and WHO, it would be difficult for the United Nations to administer a review procedure requiring the United Nations to consider the correctness of decisions of WHO from the medical or scientific point of view.

Mr. BARONA (Mexico) said that his delegation was in favour of a review procedure. The proposed reviewing body would be an arbitral body, as distinct from the Commission, which was an administrative organ, and WHO, which was a medical and scientific agency. In his delegation's view, a party should be entitled to appeal to outside persons to give a binding arbitral decision.

Mr. De BAGGIO (United States of America) fully supported article 3 as drafted by the *ad hoc* committee, and associated himself with the observations of the representative of Canada concerning the purpose of the review procedure outlined in paragraph 7. He

understood that the technical committee itself had not objected to the proposal for a review procedure. There was no question of WHO's competence to decide on the content and properties of a substance. In addition, however, WHO expressed an opinion concerning the substances to be placed in any particular schedule, and it was in that respect that parties should be allowed to ask for the review of a decision.

Mr. KOCH (Denmark), referring to paragraph 3 (iii), said that his delegation construed the word "conversion" as having the limited meaning of easy conversion; the word "easy" might in fact be inserted. With regard to paragraph 4, he thought that the drafting committee should be empowered to amend it so as to bring it into line with the criteria being applied by the technical committee in determining the substances to be placed in schedule III.

Mr. CURRAN (Canada) said that the drafting committee was considering the word "conversion". It had been suggested that it might define the term in such a way that it would not be necessary to insert the word "easy". Paragraph 4 provided a control, and he was not certain, therefore, that the criteria applied by the technical committee would be relevant.

Mr. CHA (China) said that his delegation was in favour of the review procedure outlined in article 3. It was true that one member of the expert group would be designated by the appellant; but even if the views of the appealing party were controversial, one of the other members of the group would be designated by the Commission—whose competence was not in doubt—and the third would be designated by the other two members. Since adequate safeguards were thus provided, and so long as the three experts were suitably selected, there should be no cause for concern over their competence. There was, however, the question whether the Commission should accept the findings of the experts. Of course, if those findings were to be accepted without demur, there might be an arbitrary element in the review procedure. But if the Commission was not bound by the experts' recommendations, there would be sufficient opportunity for reconsideration. He suggested that the drafting committee might consider an appropriate wording that would ensure that the Commission would not be bound by the experts' recommendations.

Mr. NIKOLIC (Yugoslavia) said that, although it was quite possible that the appeals procedure would not be resorted to frequently, that consideration was scarcely relevant to the principle under discussion. With reference to the remarks of the representative of the United States, he said that if the World Health Organization and the Commission were capable of making mistakes, surely the three experts would be equally liable to error. If a party had fresh evidence, that information could surely be studied by WHO and the Commission with the necessary attention.

Yugoslavia was in favour of an appeals procedure. It was under the impression, however, that the experts were to be scientists and not judges. If, instead, they were to act as judges, basing their decisions not exclu-

sively on scientific data, it would be interesting to know what other elements would enter into their ruling.

Mr. ACBA (Turkey) said that the character and qualifications of the experts who were to serve on the proposed reviewing body should be more precisely defined, for theirs would, in effect, be the final decision. They should possess at least the same qualifications as the recognized WHO experts. Some more explicit definition of their qualifications than "competent to deal with narcotic control problems" (para. 7 (c)) was therefore required.

In his delegation's view, the three experts should not have the power of final decision, which should be vested in the Commission. The Commission could take into account the reports and information submitted by the WHO experts and the three reviewing experts, but it should not be bound by the recommendations of either.

Mr. KRUYSSSE (Netherlands) said that his delegation interpreted the provisions of paragraph 7 (d) to mean that the final decision would rest not with the three experts but with the Commission. The procedure would thus take the following course: the Commission would give a decision in the first instance, on the advice of WHO; the experts would then be appointed, formulate their opinion and refer it back to the Commission, which would thus be able to review its earlier decision and either sustain or reverse it. When the matter had been discussed in the *ad hoc* committee, delegations had generally considered that to be the best course.

Dr. HALBACH (World Health Organization) pointed out that the draft provisions would create a division of powers that had not previously existed. In the past, decisions had been made by WHO, whereas under the proposed provisions the Commission would decide on the basis of WHO's recommendations. It was generally agreed that the grouping of drugs was a technical matter, and WHO's findings were therefore governed by strictly scientific considerations. However, the question whether those findings should be endorsed would be decided entirely by the Commission. Consequently, any appeal would challenge the decision of the Commission, and not the findings of WHO. Accordingly, in the debate of a review procedure due account should be taken of the new situation with the distinct division of powers it entailed.

The representative of Denmark had suggested that paragraph 3 (iii) should indicate the criteria which the technical committee would use in drawing up schedules. The technical committee, however, had considered that it would be unwise to specify those criteria in the body of the Convention, as it had only drawn them up for its own guidance. Since paragraph 3 (iii) already specified criteria which did not appear in the original draft of the Single Convention, it might be advisable to leave it as it stood.

Mr. KOCH (Denmark) said that he had merely wished to make sure that the criteria to be used in the future for including substances in different schedules would be the same as the criteria used by the Conference. That purpose was adequately safeguarded by the terms

of paragraph 3 (iii) so far as schedules I and II were concerned. But the language of paragraph 4 should be changed to make certain that the criteria being followed for the grouping of the preparations in question would be the same as the criteria applied in the future. He understood from the representative of Canada that the drafting committee would redraft the text to bring it into line with whatever the technical committee decided.

The Danish delegation had no strong views on the appeals procedure; the provisions of article 3 offered adequate guarantees. However, any appeals procedure might be superfluous since provision was already made for revising the schedules. To facilitate agreement, therefore, it might be possible to delete all provisions relating to review and adhere to the procedure laid down in article 10. Since it was the economic and political, rather than the scientific, aspects of the Commission's decisions that would be subject to appeal, it might be preferable if the final decision were left to the Economic and Social Council instead of to a body of "experts on narcotics control"—which in any case was a vague expression.

Mr. De BAGGIO (United States of America) said it had been suggested that the Commission might reject the recommendations of the reviewing body. The United States was opposed to any such weakening of the authority of the body in question and considered that the draft gave the Commission sufficient powers in that the latter could, in the first instance, decide whether or not the review should be allowed.

Mr. CURRAN (Canada), referring to the suggestion made by the representative of Denmark, pointed out that paragraph 8 provided that decisions of the Commission should not be subject to review by the Council. He recalled that the representatives of France, Mexico and the Netherlands had proposed that the Commission should be the final authority. While there was much merit in that suggestion there was a need for further clarification of the issue, possibly by means of a vote.

Dr. HALBACH (World Health Organization) remarked that from his earlier analysis—which he hoped someone else would confirm—it would seem to follow that there were two distinct channels of appeal, corresponding to the division of powers. While appeals against decisions of the Commission might be most suitably left to the discretion of the United Nations bodies concerned, such as the Economic and Social Council, the simplest and most expeditious method of reviewing WHO's findings was by the procedures specified in article 3, paragraph 1. He therefore made the formal proposal to find ways and means by which decisions of the Commission could be reviewed by the Council.

Dr. MABILEAU (France) said that he would not press his suggestion that more detailed information should be obtained concerning the qualifications of the experts.

The representative of Denmark had suggested that the Conference might decide whether or not the provision for an expert review was necessary. A vote might

accordingly be taken on the subject and, if the Conference so decided, the references to the experts' decision in paragraph 7 could be deleted so that final authority would rest with the Commission.

Mr. AZARAKHSH (Iran) supported the suggestion that appeals against the Commission's decisions should be decided by the Economic and Social Council.

Mr. BANERJI (India) said that there was a need not only for a scientific opinion, but also for administrative factors to be taken into account. For that reason it had been decided that the drugs included in schedule IV, even though they had harmful effects, should be allowed in certain countries which needed them and could control them. There should thus be no objection to a review body composed of experts on narcotics control, as distinct from scientists. Since the Commission had the ultimate authority to reject the opinion of the expert group, there should be no cause for apprehension over the appeals procedure described in the text, especially as such cases would be rare. India would thus be able to support the entire text as it stood.

Mr. De BAGGIO (United States of America) suggested that the Conference might first settle the question whether decisions of the Commission on schedules should be subject to review. The discussion of the method that such a review should take might be deferred until the Conference considered article 10.

Mr. GREEN (United Kingdom) said that his delegation did not consider it necessary to have any appeals procedure at all although he was prepared to agree to a generally acceptable compromise. One alternative might be an arrangement whereby decisions could be referred to the Economic and Social Council.

Mr. KENNEDY (New Zealand) and Mr. RODIONOV (Union of Soviet Socialist Republics) associated themselves with the remarks of the representative of the United Kingdom.

The PRESIDENT suggested that the Conference should vote first on the principle of a review procedure and then decide which body should be the reviewing authority.

Mr. KENNEDY (New Zealand) supported that procedural suggestion.

It was decided by 30 votes to 6, with 11 abstentions, that provision should be made for review.

After a procedural discussion, Mr. de BAGGIO (United States of America) proposed that the debate on the type of review procedure should be adjourned until article 10 had been considered.

Mr. BITTENCOURT (Brazil) and Mr. ACBA (Turkey) supported the proposal.

The proposal was adopted by 42 votes to none, with 4 abstentions.

Paragraphs 1 to 6 of article 3 were adopted by 40 votes to none, with 1 abstention.

Article 41 (Trade and distribution) (resumed from the 8th plenary meeting)

Article 42 (International trade)

Article 43 (Measures of supervision and inspection)

The PRESIDENT invited debate on the report of the appropriate *ad hoc* committee on articles 41, 42 and 43 (E/CONF.34/9).

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) pointed out that, under paragraph reference 314, the report stated that it had been decided to insert a recommendatory provision requiring all packages containing narcotics moving in international trade carry a double red band as described in paragraph reference 292; in fact, however, the committee had decided that the provisions of the latter paragraph should be deleted.

Mr. GREEN (United Kingdom) said that his delegation was surprised at the decision to insert the additional provision in paragraph reference 307. He saw no advantage in having two kinds of authorization accompanying consignments of narcotic drugs. Since under article 42, paragraph 5, an import certificate was required before an export authorization could be issued, it seemed unnecessary that a copy of the import certificate should also accompany a consignment of drugs. There was nothing to prevent an individual government from adopting such a procedure, but there was no reason for making it mandatory for all governments.

Mr. ASLAM (Pakistan) endorsed those remarks. Regarding paragraph reference 314, he was still not convinced of the advantage of a double red band. Since the band was to be shown on the package containing a drug but not on the exterior wrapping, he did not understand how the work of customs officials would be facilitated by a band which they could not easily see.

Mr. KRUYSSSE (Netherlands) drew attention to paragraph reference 275. Discussion in the *ad hoc* committee had revealed the desire to apply the licensing system to the manufacture of preparations as well. He would like the drafting committee to look into the matter, because it was not clear from the existing text that preparations were included.

He agreed with the United Kingdom representative's views concerning paragraph reference 307. With regard to the suggestion that a special exception might be inserted exempting narcotics in the first-aid kits of new ships built for another country, he thought that aircraft should also be included in such a provision.

Mr. WARREN (Australia) supported the United Kingdom representative's views concerning paragraph reference 307 and the Pakistan representative's remarks regarding paragraph reference 314.

Mr. NIKOLIC (Yugoslavia) supported the United Kingdom representative's remarks concerning paragraph reference 307. With regard to the recommendatory provision concerning the double red band in paragraph reference 314, he said that such a provision, being no

more than a recommendation, would only lead to confusion, because it might not be applied by all countries.

Mr. CHIKARAISHI (Japan), referring to the proposed final paragraph in article 43, recalled that his delegation had stressed the view in the *ad hoc* committee that medical practitioners and others handling narcotic drugs should also be required to keep records. It was indispensable for the effective control of drugs that records of their movements should be kept up to the very last stage of consumption. Since, however, many delegations foresaw difficulties in including such a provision in the Convention, he would not press the point, on the understanding that nothing in the Convention would prevent any participating country from requiring medical men and others to keep such records.

Mr. GREGORIADES (Greece) said that his delegation wished to retain the original wording of paragraph references 275, 282, and 300—namely, that reference should first be made to control under state enterprise and then to the alternative of control of manufacture under licence. His government considered, on the advice of the competent Greek authorities, that as a matter of principle the manufacture of drugs should be undertaken by a state enterprise or by state enterprises.

Mr. BANERJI (India) said that his delegation had no strong views on the additional provisions to be inserted in paragraph reference 307. It would seem to be a desirable measure, provided that it tightened the system of control.

With regard to the recommendatory provision concerning a double red band in paragraph reference 314, he would not oppose the deletion of that provision, on the clear understanding that his government would be free to introduce such a system inside India and to insist that imports of drugs from other countries should be subject to the same requirement.

The meeting rose at 1 p.m.

SIXTEENTH PLENARY MEETING

Wednesday, 15 February 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)

The PRESIDENT invited the Conference to continue its debate on the *ad hoc* committee's report on articles 30, 40, 41, 42 and 43 (E/CONF.34/9).

Mr. KOCH (Denmark) thought that the *ad hoc* committee's statement regarding paragraph reference 314 (article 42, paragraph 11) should mention the decision, taken at its fourth meeting (E/CONF.34/C.4/

SR.4), that the use of non-proprietary names on import and export certificates should be mandatory. His delegation believed that the benefits to be derived from requiring the use of those names on packages moving in international trade would not compensate for the administrative difficulties such a requirement would create. There was also the danger that traffickers would be attracted by the marking on the package. Consequently, he proposed that the *ad hoc* committee's decision to require the international non-proprietary name on packages moving in international trade should be reversed.

Mrs. FERNANDEZ (Philippines) shared the United Kingdom delegation's view regarding the *ad hoc* committee's decision on paragraph reference 307 (article 42, paragraph 6). There was no need to require a copy of the import certificate to accompany the consignment of narcotic drugs, since a party could issue an export authorization only upon receipt of an import certificate.

Mr. NONG KIMNY (Cambodia) said he could not approve the *ad hoc* committee's decision to delete paragraph reference 292 (article 41, paragraph 5). The requirement of a double red band on any package containing a drug was useful, because customs officers were not always able to recognize the international names of narcotics. As for the argument that the double red band would assist illicit traffickers in their operations, he felt bound to reply that, in principle, packages coming into a country would go through the hands of honest customs officers and not of traffickers. If the Conference maintained the *ad hoc* committee's decision to delete article 41, paragraph 5, his government would, of course, retain the right to require the use of the double red band on packages imported into Cambodia.

Mr. KENNEDY (New Zealand) saw no merit in the *ad hoc* committee's proposal to require a copy of the import certificate, in addition to a copy of the export authorization, in paragraph reference 307 (article 42, paragraph 6). The existing practice, according to which the local customs officer had a copy of the import certificate which he checked against the export authorization, was preferable, for if the export and import authorizations were sent with the consignment, both might be fraudulently altered at the same time.

The drafting committee should use some word other than "transit", which applied in particular to air travel, in paragraph reference 314 (article 42, paragraph 11). The expression "to pass through", used in article 15 of the 1925 Convention, would be acceptable. His delegation had heard no convincing arguments in support of the *ad hoc* committee's decision to recommend the use of the double red band on packages moving in international trade, and would vote against it. With regard to paragraph reference 317 (article 42, paragraph 14), he urged that nothing be done to interfere with the free movement of international air traffic.

Mr. CURRAN (Canada), commenting on the Greek representative's statement at the preceding meeting concerning the order of the references to state enterprises and licensing in paragraph references 275, 282 and

300, said that the *ad hoc* committee's decision to reverse the order had not implied any preference for one system or the other. The United Kingdom had proposed the reversal on the ground that licensing should logically come first, because it was the system in fact employed by the larger number of States.

The PRESIDENT thought that the Greek representative had merely stated his government's preference for the state enterprise system.

Mr. GREEN (United Kingdom) said that the Canadian representative had correctly interpreted his delegation's proposal on that point.

He would not repeat the arguments he had advanced against the double red band in the *ad hoc* committee. His delegation had concluded that the effect of a recommendation for the use of the band on packages moving in international trade would be the same as a general recommendation in article 41, since the manufacturer would not know whether any particular package was going into domestic or international trade and would consequently have to put the red bands on all packages.

For the same reason, his delegation would oppose the mandatory requirement that packages containing narcotic drugs moving in international trade should indicate the international non-proprietary name; the manufacturer would not know whether the container was going into the international trade, and so would have to place the international name on all containers.

His delegation held the view that narcotics in the first-aid kits of lifeboats or rafts in new ships built in one country for delivery to another should be treated as exports and should be subject to the export and import certificates system.

Dr. MABILEAU (France) remarked that opposition to the double red band requirement had come from countries whose borders were not crossed by hundreds of thousands of workers daily. The purpose of the requirement was not so much to stop illicit traffic by smugglers as to make it easier for such a country to prevent individuals from bringing in pharmaceutical preparations containing narcotic drugs banned in that country and available across the frontier. The merit of the requirement had been recognized by the Commission on Narcotic Drugs at its ninth session and again at its fourteenth session when it had adopted resolution 9 (XIV) urging all governments to require that any package moving in trade and containing a narcotic drug show a double red band on its label. For all those reasons, he proposed that paragraph reference 292 (article 41, paragraph 5) should be reinstated in recommendatory form.

Mr. De BAGGIO (United States of America) failed to see any reason for requiring the double red band as a control measure against the illicit traffic. He recalled that the resolution referred to by the French representative had been adopted by 5 votes to 3, with 7 abstentions, hardly an impressive majority.

In his delegation's view, it was inadvisable to have a recommendatory provision for the use of international names in article 41 and a mandatory provision in ar-

ticle 42. If any provision regarding the use of those names were included in the latter article, it should be recommendatory only.

He shared the view of the United Kingdom representative that first-aid kits in new ships should be subject to the export and import certificates system.

Mr. BANERJI (India) strongly supported the Cambodian and French representatives' views concerning the use of the double red band.

The mandatory requirement for placing the non-proprietary name on packages in international trade was an essential safeguard, as without the aid of such designations customs officials might not be able to determine which drugs in a large consignment required export authorizations. If the *ad hoc* committee's recommendation on that point should not be accepted, his government wished to place on record its intention to impose the same requirement for the use of international names on imported drugs as it enforced with regard to domestic drugs.

Mr. KRUYSSSE (Netherlands) said the use of international names was very helpful, not so much in combating the illicit traffic as in providing the physician and the patient with necessary information. After all, the objective of all pharmacopoeias and regulations governing the manufacture and use of medicines was to help the physician to identify medicaments. The international non-proprietary name was one of the few means of recognizing a drug as a narcotic. The distinction between the recommendatory provision in article 41 and the mandatory provision in article 42 dealing with international trade was justifiable; each country was free to decide whether or not to require the use of non-proprietary names domestically, but it should be required to co-operate in the protection of other countries.

As for the red band requirement, his delegation had favoured the mandatory requirement in all cases, but had voted for the recommendation so that agreement might be reached. He still hoped that the red band provision would be included in the Convention, at least in recommendatory form.

Mr. BARONA (Mexico), referring to article 42, paragraph 10, expressed the hope that the word "decomisadas" would be retained in the Spanish text to correspond to the word "seized" in the English text. If the idea of confiscation was introduced, his government would for constitutional reasons have to make a reservation to that part of the Convention.

Mr. BITTENCOURT (Brazil) endorsed the arguments already advanced by other delegations in favour of the adoption of international non-proprietary names and a double red band. Under Brazilian law, any narcotic drugs entering the customs had to be kept locked up and the customs officer was responsible for them. The double red band would greatly facilitate the customs officer's work.

So far as the point raised by the previous speaker was concerned, the Brazilian delegation would prefer the idea of confiscation to be clearly specified. Under Brazilian

law, all narcotic substances seized under the conditions referred to in article 42, paragraph 10, were automatically impounded and added to the government stocks.

Mr. CURRAN (Canada) said that, unless the use of international non-proprietary names and the double red band was actually prohibited in the Convention, governments would be free to use them, whether a recommendation was made or not. In his view, the argument that it might be difficult for manufacturers to apply the recommendation was not really tenable; if the manufacturer wished to export, he would have to comply with the importing country's regulations concerning labelling and other matters. Countries would therefore adopt whatever measure suited their own needs. Canada was already using "proper names" for narcotic drugs which were very similar to the non-proprietary names recommended by WHO.

Mr. DANNER (Federal Republic of Germany) said that he was opposed to the use of the double red band for psychological reasons and to that of non-proprietary names for legal reasons. His delegation could not accept more than a recommendation on either point.

Mr. ADJEPONG (Ghana), referring to paragraph reference 307, said that, if consignments of narcotic drugs were to be accompanied by the import certificate as well as the export authorization, necessary duplication would result. He would therefore vote against the inclusion of such a provision in the Convention.

Mr. NIKOLIC (Yugoslavia) said that it was time that the conference settled the question of the use of non-proprietary names and the double red band, the advantages and disadvantages of which had been discussed *ad nauseam*. In his view, recommendations might be adequate in connexion with the internal measures to be taken by each government, but in the case of international measures that were generally accepted, it was preferable to lay down obligations. In the case in point, the existence of a mere recommendation would complicate, rather than simplify, the work of the customs officer, as certain countries would apply the system recommended and others would not.

The PRESIDENT invited the Conference to consider the report of the *ad hoc* committee (E/CONF.34/9) paragraph by paragraph. He drew attention to the second sentence in the first paragraph of the report to the effect that if no comment was directed to a particular paragraph, the existing wording of the draft Convention (E/CN.7/AC.3/9) had been found by the committee.

Article 30 (Medical and scientific purposes)

Paragraph reference 207

The Committee's decisions were approved.

Article 40 (Manufacture)

Paragraph reference 275

The PRESIDENT said that the decision to refer first to the control of manufacture under licence and then to control under a state enterprise did not involve any judgement as to the relative importance of the two solutions.

Mr. GREGORIADES (Greece) said that he wished it to be clearly understood that the order in which the two systems of control were mentioned did not imply that priority should be given to the first of the two.

On that understanding, the committee's decision was approved.

Paragraph references 276 and 277, 279 and 281

The committee's decisions were approved.

Article 41 (Trade and distribution)

Paragraph references 282, 284, 285, 289, 290 and 291

The committee's decisions were approved.

Paragraph reference 292

Dr. MABILEAU (France) pointed out that the committee had decided to delete paragraph 5 of article 41 because it contained a mandatory provision which was unacceptable to certain delegations. It had not, however, had an opportunity to vote on the inclusion of a recommendation regarding the use of a double red band, although many delegations had welcomed the idea. He proposed, therefore, that article 41, paragraph 5, should be replaced by a recommendation concerning the use of a double red band.

Mr. NONG KIMNY (Cambodia) supported the proposal.

Mr. CHA (China) asked whether paragraph reference 292 referred to domestic trade only.

Mr. LANDE (Deputy Executive Secretary) said that article 41 applied to trade in general, both domestic and international, whereas article 42 contained special provisions for international trade. Article 41, paragraph 5 (paragraph reference 292) would therefore apply to domestic and international trade alike, unless modified.

Mr. DANNER (Federal Republic of Germany) thought that, before considering the French proposal, the Conference should vote on the *ad hoc* committee's decision to delete paragraph 5 of article 41.

Dr. MABILEAU (France) pressed for a vote first on the inclusion of a recommendation.

After some discussion, the PRESIDENT invited the Conference to vote on the Committee's decision to delete paragraph 5 of article 41.

The Conference endorsed that decision by 23 votes to 20, with 6 abstentions.

The PRESIDENT invited the Conference to vote on the French proposal that paragraph 5 should be replaced by a recommendation regarding the use of a double red band.

The French proposal was adopted by 38 votes to 2, with 11 abstentions.

Paragraph references 293 and 294

The committee's decisions were approved.

*Article 42 (International trade)**Paragraph references 300, 302 and 306**The committee's decisions were approved.**Paragraph reference 307**The committee's decision was reversed by 29 votes to none, with 8 abstentions.**Paragraph reference 311*

Mr. MAURTUA (Peru) said that he wished to make an observation which might be noted by the drafting committee. The Conference had already approved the committee's comment on article 40, paragraph 2 (a), that the term "persons" was perhaps too vague; the same term was used in article 41, paragraph (b) (i), and in article 42, paragraph 3 (a) and (b), while paragraph 5 of article 42 used the expression "the person or establishment". In paragraph 8 (paragraph reference 311), the Spanish text there used the expression "persona o entidad". He suggested that in each case some such expression as "individuals or bodies corporate" might be used.

Subject to that comment, the committee's decision was approved.

Paragraph reference 313

Mr. BARONA (Mexico) stressed that the word "seized" should be interpreted to mean a provisional measure, since it would be impossible under the Mexican Constitution to confiscate consignments of drugs.

Mr. BERTSCHINGER (Switzerland), supported by Mr. CURRAN (Canada), suggested that the use of the word "detained" would make the point clearer.

Mr. BANERJI (India) pointed out that since the committee's amendment to paragraph reference 307 had been rejected, the proposed addition of the words "and an import authorization" in the present paragraph would be inappropriate.

Subject to those reservations, the committee's decisions were approved.

Paragraph reference 314

Mr. LANDE (Deputy Executive Secretary) said that since the Conference had already voted in favour of a recommendatory provision concerning the use of a double red band in paragraph reference 292, which would apply to trade in general, domestic and international alike, no further provision in article 42 seemed necessary.

Dr. MABILEAU (France), agreeing, proposed that no reference to a double red band be made in the paragraph.

It was so agreed.

The PRESIDENT drew attention to the proposal made by the United States representative that the provision for the use of non-proprietary names should be recommendatory.

Mr. BANERJI (India), supported by Mr. A. JOHNSON (Liberia), considered that the mandatory form of the provision should be retained.

Mr. KOCH (Denmark) expressed the view that the provision should be recommendatory, but pointed out that, in view of the Conference's decision on paragraph reference 290, a reference in the paragraph could be dispensed with, as had been decided in the case of the double red band. Nevertheless, it should be stipulated that the international non-proprietary name was to be used in import and export certificates.

Dr. MABILEAU (France) expressed sympathy with the view of the Indian representative, but proposed that, in order to overcome the legal difficulties which would be experienced by some countries, the provision should be kept in a mandatory form, but with the addition of the words "wherever possible."

The committee's decision favouring a mandatory provision was approved by 29 votes to 10, with 9 abstentions.

Mr. DANNER (Federal Republic of Germany), explaining his vote, said that it would not be legally possible in his country to use the proposed names in all cases.

The committee's decision to delete the final sentence of the paragraph was approved.

*Paragraph reference 317**The committee's decisions were approved.**Article 42 general*

Mr. GREEN (United Kingdom), supported by Dr. MABILEAU (France), objected to the proposed exemption.

The PRESIDENT suggested that the question should be deferred pending the drafting of the Final Act.

It was so agreed.

Article 42 bis (special provisions concerning the carriage of drugs in first-aid kits of railway trains, ships or aircraft engaged in international flight)

*Paragraph reference 318**The committee's decision was approved.**Paragraph reference 319*

Mr. WARREN (Australia) pointed out that the second sentence of the relevant paragraph in the committee's report was obscurely worded and gave an incorrect impression.

Mr. BANERJI (India) said he believed that, in fact, the committee's final decision had been in favour of the word "consultation" rather than the word "agreement".

Subject to those observations, the committee's proposals were approved.

*Paragraph reference 320**The committee's decisions were approved.**Article 43 (Measures of supervision and inspection)**Paragraph references 322 and 323**The committee's observations were approved.*

The meeting rose at 5.5 p.m.

SEVENTEENTH PLENARY MEETING

*Thursday, 16 February 1961, at 10.40 a.m.**President: Mr. SCHURMANN (Netherlands)***Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)***Article 4 (Obligations of the parties)**Article 20 (Administration of the estimate system)**Article 21 (Administration of the statistical returns system)**Article 26 (Information to be furnished to the Secretary-General)**Article 27 (Statistical returns to be furnished to the Board)**Article 28 (Estimates of production and drug requirements)**Article 29 (Limitation of manufacture and importation)*

The PRESIDENT invited debate on the above articles which had been grouped together for the purposes of the discussion (see E/CONF.34/C.1/L.1, para. 3 (g)). The President of the Permanent Central Opium Board would address the meeting.

Sir Harry GREENFIELD (Permanent Central Opium Board) said that the Permanent Central Opium Board and the Drug Supervisory Body had put themselves and their resources at the disposal of the Conference in the hope that their combined knowledge and experience might be of some service to the Conference.

The two bodies had given close study in recent years to those provisions of the draft Single Convention with which they were expressly concerned (see their comments in E/CONF.34/1). There were four general matters on which he wished to speak. First, the Conference would appreciate that the efficacy of the future board in carrying out its functions must depend upon its moral stature as an international body, and that that would in turn depend upon the qualities of its members. However, to some extent the quality of the members of the Board would itself depend upon the nature of the duties assigned to it: if its responsibilities were substantial and its task was manifestly worth while, men of standing and ability would agree to serve on it. It followed that if in the new Convention the responsibilities of the Board should conceivably be materially curtailed, or its status as an international body diminished, the likelihood of first-class men offering their services to the Board would be correspondingly reduced. Much also depended on the manner of electing the members of the Board. The existing board was sound and well balanced and functioned happily and effectively as a team; it could claim, in all modesty, to be regarded with respect by the countries and the international bodies with which it had to deal. There was, however, no certainty under the present system

of election that a board of the standard of efficiency of the present one would invariably be elected. It had been asserted that the quality of the membership of the present Board was largely due to chance. If that was the case, it was clearly desirable that in the drafting of permanent legislation for the future some thought should be given to the possibility of reducing the element of chance and making the election of a fully competent board more certain on each occasion. He recognized the difficulty of achieving such a desirable aim, but urged the Conference to give it full consideration.

Secondly, with regard to the functions of the new board, it was doubtless still too early to hazard a conclusion as to whether or not the new Convention would enlarge or curtail the functions assigned to the Board by the existing conventions. It could safely be assumed that the new board would dutifully carry out such functions as might be required of it, and he merely wished to point out that any possible additional functions should be strictly practicable.

Thirdly, with regard to the powers to be conferred on the new board, he said the present Board and its predecessors had always approached the subject with great caution, seeking to obtain results by consultation and persuasion rather than by the exercise of their authority. Among the means at its disposal under the existing conventions, the Board considered the most potent to be the public expression of its comments or recommendations in its annual report; it had used that means with great care and discretion, recognizing the sensitiveness which countries might feel to public mention of that kind. The Board refrained from offering any views as to whether increased powers should be conferred on the future control board and contented itself with saying that, whatever powers the Conference might decide to confer, it could be taken as reasonably certain that the new board would show the same restraint and discretion in their exercise as successive boards had shown in the past.

Lastly, turning to the question of the status of the secretariat which was to serve the new board, he urged a cautious and thoughtful approach to a matter which was not quite so simple as might at first sight appear. No one with administrative experience would question the desirability, on administrative grounds, of combining secretariat personnel as far as possible into a single establishment, or would deny that small detached secretarial bodies could be administratively tiresome. In the particular instance, however, the matter was, to some extent at any rate, bound up with the delicate and vitally important issue of the Board's independence—a consideration which acquired all the more significance as it became generally recognized that the Board's executive powers were extremely slender. It would be most unfortunate if an impression should be created that the future board was simply a minor statistical organ, a mere subsidiary branch or appendage of a larger, more powerful and more generally important body such as the Narcotics Commission. If that should happen, the Board's effectiveness and general power for good could hardly fail to be adversely

affected and might be greatly reduced. It might perhaps be argued that if the Board was seen to be a body of men of international stature that danger would be checked to some extent. That was certainly true, but, as he had indicated, there could not be any guarantee that the Board would invariably be so composed, and there would always be a period of uncertainty whenever a new board was elected. Moreover, the Board was not continuously in session, and during the interval between sessions the secretariat was required to act in the name of the Board. It followed that the members of the secretariat must be fully in tune with the mind of the Board; and that could hardly be ensured if they were liable to sudden change or felt that their future prospects were governed by influences outside the circle of the Board's authority. The question was thus a matter of some difficulty and he left it to the good sense of the Conference to find the right solution. It was possible to find plausible and ingenious arguments from either side. The Board's sole concern was to urge that the problem should be approached with circumspection, because an important imponderable was at stake: the absolute and visible independence of the future control board. It was essential not only that the Board should be completely independent but that it should be constantly seen to be completely independent. In view of those considerations, the Conference might perhaps think it prudent to leave the secretariat arrangement more or less unchanged, even at the risk of some possible administrative inconveniences. Indeed, the risk was not very great. Despite the apparent inevitability of Parkinson's Law, the Board's staff had not undergone any expansion: in 1935 the Board's staff had consisted of six persons and that of the Drug Supervisory Body of three; in 1961, twenty-five years later, the combined staff of the two bodies was nine, although there had been an evident increase in work owing to the greater number of narcotic drugs and the greater number of countries concerned.

If the Conference should express a preference for the *status quo*, provisions could no doubt be introduced to reduce possible inconveniences to the Secretary-General to a minimum. In any event, the future control board would naturally wish to maintain the closest accord with the Secretary-General regarding its personnel; for example, it would doubtless be ready to consider nominations from the Secretary-General to vacancies in its staff, subject to a clear understanding that it had the right to reject any person whom it might not regard as entirely suitable; and it would also readily entertain suggestions regarding transfers at reasonable intervals, having regard always to the efficiency and continuity of its work.

In conclusion, he emphasized that his observations had been strictly objective in character. Before the new Convention came into force the present board would have been replaced by another, perhaps composed of completely different persons; that second board would in turn be replaced by the Board to be constituted under the new Convention. Similarly, the leading members of the present board's secretariat would have retired. His observations had, therefore, been made on behalf

of their successors and related to considerations which experience had shown to be important.¹

Mr. KENNEDY (New Zealand) said that article 4, paragraph 1, was acceptable to his delegation, although it had no objection to the small amendment suggested by the Indian Government and the drafting change proposed by the United States Government (E/CONF. 34/1).

With reference to article 4, paragraph 2 (a), he was not sure what was meant by "international control organs". If the term meant the organs mentioned in article 5—namely, the International Narcotics Commission and the International Narcotics Control Board—it was difficult to see how those could be "maintained" by the parties except as envisaged in article 6, which provided that the expenses of those organs would be met by the United Nations (in the case of Members of the United Nations) and by contributions from the parties (in the case of non-members).

With regard to article 4, paragraph 2 (c), his delegation thought that the use of the term "effective penal sanctions" was correct. It had been suggested that the word "effective" should be replaced by the word "severe", but his government considered the latter term too subjective. It was true that, by New Zealand standards, the penalties prescribed under his country's legislation for narcotic offences could well be regarded as severe. However, the proposed Convention was designed to remain in operation for many years, during which conditions would change and, he hoped, improve. He would like to think that under the Convention governments could at all times regulate their penal provisions in the manner best calculated to render effective both the spirit and the written terms of the Convention. It might well be that in the majority of cases the most effective penalty would be a severe one, but this might not always be so. His delegation therefore preferred to retain the term "effective".

Mr. ANSLINGER (United States of America) said that the composition and powers of the Control Board should be examined by an *ad hoc* committee. His government had always believed that the Board should have complete autonomy and an independent secretariat. However, General Assembly resolution 1587 (XV) noted with approval the report of the Advisory Committee on Administrative and Budgetary Questions concerning administrative arrangements under the draft Single Convention, in which the Committee expressed itself against any arrangements which would detract from the principle of a single unified Secretariat for the United Nations (A/4603, para. 15).² The Committee also felt that practical administrative considerations indicated a balance of advantage on the side of a single secretariat, serving both the Narcotic Drugs Commission and the Control Board (para. 14). His government supported

¹ The statement was subsequently circulated verbatim as document E/CONF. 34/L.11.

² The Advisory Committee's report was transmitted to the Conference by the Secretary-General by document E/CONF. 34/78 Corr. 1.

the views of the Advisory Committee on that point and hoped that the Conference would approve the Committee's recommendation.

Mr. RAJ (India) said that his delegation would give careful consideration to the ideas contained in Sir Harry Greenfield's statement.

With regard to article 4, paragraph 1, he said it might not be feasible for a party to take "all" the legislative and administrative measures necessary and suggested some phrase as "such legislative and administrative measures as are necessary". With regard to article 4, paragraph 2 (a), it was not clear how the parties should "maintain" international control organs. The parties could naturally be expected to maintain national control organs, but further clarification was needed in the case of international control organs. Moreover, the term "national control organs" could be made more specific by inserting the word "appropriate" before "national". Lastly, with regard to article 4, paragraph 2 (c), since the term "severe" was subjective, he said it should be left to each country to define what effective penal sanctions should be imposed.

Mr. YATES (Executive Secretary) pointed out that article 4 was in principle an enumerating article which listed the obligations of parties. The undertaking of parties "to maintain the international . . . control organs required for carrying out the provisions of this Convention" referred on the one hand to their function as Members of the United Nations in the establishment and continuation of United Nations organs, and on the other hand to the budgetary obligations to be borne by the United Nations in the case of parties Members of the United Nations and to the separate assessment of parties not members of the organization; "national organs" referred particularly to article 25. It might be better to hold over discussion of article 4 until the articles to which it referred had been examined.

Mr. CURRAN (Canada) suggested that article 4 should be reserved for later discussion, since it might be desirable to include further references to the obligations contained in articles other than those in the group at present under discussion.

The PRESIDENT, agreeing with the Canadian representative's suggestion, invited comment on the other articles in the group.

Mr. KRUYSSSE (Netherlands) said that the obligations under those articles caused difficulties for countries associated in an economic union like that of Benelux (see E/CONF.34/1, comments under paragraph references 172-179). The Convention should make provision for such countries. It would also be desirable, under article 27, to include an obligation to furnish statistics on substances in schedule IV.

With regard to article 4, he felt that paragraph 2 (c) should be discussed in conjunction with article 45.

Mr. RAJ (India) noted that article 26, paragraph 1 (c), was based on the provisions of article 23 of the 1931 Convention, but the latter was much clearer and more explicit with regard to the type of information required

and the circumstances in which such information was to be furnished. He would prefer the relevant clause in the draft Single Convention to be amplified along the lines of the earlier instrument.

Mr. CHA (China) considered that article 26 was on the whole well drafted. It was not enough, however, to require the submission of the texts of all laws and regulations promulgated to give effect to the Convention. It was also necessary to know to what extent they had been enforced and how rigorously violations had been punished. If some provision to that effect were inserted in that article, narcotics control would be more effective.

Mr. NIKOLIC (Yugoslavia) agreed with the representative of India that article 26, paragraph 1 (c), should be expanded along the lines of article 23 of the 1931 Convention, on which it was based.

Mr. JOHNSON (Liberia) understood the purpose of article 26, paragraph 1 (c), but suggested that it should be redrafted so as to give governments discretionary power regarding the particulars they furnished to the Commission on the subject of illicit traffic, for in the event of litigation a court injunction might be issued restraining the communication of all information.

Mr. RAJ (India) thought that that point might be met by the inclusion of the words "subject to constitutional limitations" in the relevant paragraph.

Mr. ACBA (Turkey) agreed with the representatives of India and Yugoslavia that paragraph 1 (c) of article 26 should be expanded to include the substance of article 23 of the 1931 Convention—the wording itself could be left to the drafting committee—for that would help considerably in both national and international control.

Mr. CURRAN (Canada) observed that articles 20 and 21, and 27 and 28 contained a complicated set of instructions which were primarily administrative in character. The Conference could perhaps agree, for the sake of greater simplicity and elasticity, to merge those articles into a single simple provision empowering the Board to request information of the kind it needed at such times as it should determine. To specify time intervals in the Convention was unrealistic; and such provisions as "The Board shall examine the estimates" were superfluous. He would like to hear the views of the President of the Permanent Central Opium Board on his suggestion.

Sir Harry GREENFIELD (Permanent Central Opium Board) fully sympathized with the intention behind the Canadian representative's suggestion. Clearly, in legislating for the future, it was desirable to preserve the greatest possible degree of flexibility. The future board would certainly be grateful if it were free to specify what information it required for the performance of its duties. Nevertheless the enumeration, in the Convention itself, of the types of information which parties should supply to the Board was a source of strength to the Board since, in making a request for information, it could then point to its governing instrument. The

matter should thus be examined by the *ad hoc* committee with those two considerations in mind. In general, he felt that if the board consisted of eminent men of considerable standing and experience it should be allowed a fairly wide degree of discretion and should not be required to seek the approval of the Commission for everything it did; he would therefore demur at the inclusion of the phrase "as approved by the Commission" in article 27, paragraph 1.

Mr. ANSLINGER (United States of America) agreed with the representative of Canada that the Board should be allowed as much freedom of action as possible. He would point out, however, that the introduction of the estimates system into the 1931 Convention had made it a vastly superior instrument of control to the 1925 Convention. It ensured the annual review of the production and drug requirements of each country, enabled governments to limit exports of narcotic drugs to quantities equal to the known requirements of importing countries, and in many other ways had the effect of tightening control. In his delegation's view, therefore, the system should certainly be retained in the new Convention.

Mr. LANDE (Deputy Executive Secretary of the Conference) drew attention to the fact that if the proposals of the *ad hoc* committee on articles 31 to 34 with regard to poppy straw were adopted, that substance as commonly understood would no longer be included in schedule I. It would then be necessary to amend article 27, paragraph 1(c) (paragraph reference 175), to cover the quantities of poppy straw used in the manufacture of morphine.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that article 27 was based broadly on the similar provisions in the earlier conventions of 1925 and 1931. His delegation had no objection, therefore, to the requirement that parties should furnish the Board with information of various kinds. It felt, however, that the draft unnecessarily widened the scope of the information required. The provision of information should be based on two criteria: the international organs should have at their disposal all the information they required to carry out their control functions; and governments should not be required to supply information of secondary importance which served only to complicate their work as well as that of the international organs and their secretariats. It was, for example, clearly essential for the international organs to have information on the quantity of drugs being produced by States parties. But his delegation saw no purpose whatever in requesting information on the areas used for the cultivation of, say, the opium poppy and the coca bush, particularly as the production from a given area fluctuated year by year. He would therefore urge the deletion of paragraph 1(a) of article 27.

With regard to the time limits for the submission of statistical information, he agreed with earlier speakers that it would be desirable to extend those time limits to allow for the difficulties of collecting information in large countries with a complex administrative machinery.

Certain expressions in the draft Single Convention should be given further consideration, in particular the terms "stocks", "government purposes" and "government stocks" as used in paragraph 3 of article 27 and defined in chapter 1 of the draft. Those definitions took into account conditions in countries with a capitalist economy and did not correspond to conditions in socialist countries, in particular the Soviet Union, where the pharmaceutical industry as a whole, the pharmacies and stocks of drugs were all state-owned. In an international convention the terms employed should surely be defined in such a way as to be applicable to all States likely to become parties. Naturally, his government would prefer that the Convention should provide for the maintenance of all stocks of drugs under the strict control of the State, as was the case in the Soviet Union, especially as that would prevent the leakage of drugs into the illicit traffic, but it understood that many countries where the pharmaceutical industry and the wholesale and retail drug trade were privately owned would not be able to agree to such a provision. He therefore believed that some broader form of wording should be used in the draft Convention, and the *ad hoc* committee should be asked to give the matter very careful attention.

Mr. CHA (China) said that since his delegation attached great importance to the need for flexibility in multilateral conventions, it supported the remarks made by the representative of Canada and the President of the Permanent Central Opium Board. Because an international convention would have to be in force for many years it should be drafted in general terms without entering into excessive detail. Thus, while the parties should be obliged to furnish information to the Board, the latter might be given the authority to revise the forms for submitting estimates and information when changing circumstances required a different type of data to be furnished. The text might accordingly be amended to provide the Board with the necessary powers.

Miss VELISKOVA (Czechoslovakia) explained, with reference to article 27, paragraph 1(a) and article 28, paragraph 1(a), that Czechoslovakia would be unable to implement the provisions for furnishing statistical returns in respect of areas cultivated for the production of drugs. In her country, the plants which could be used for the production of narcotic drugs were utilized for the production of foodstuffs and for industrial purposes. Alkaloids were isolated from poppy straw, which was a waste product in Czechoslovakia's agriculture and was purchased by industrial enterprises. Hence, a precise estimate of the areas cultivated for the purpose of obtaining alkaloids was impracticable. The same remark applied to cannabis. Since a number of other countries participating in the Conference were faced with similar difficulties, the Czechoslovak delegation proposed that those provisions should be deleted. Again, the mere fact of specifying areas used for the cultivation of plants that might be utilized for the production of narcotic drugs did not eliminate the possibility of illicit traffic, which could only be

effectively prevented by control measures. With regard to article 27, paragraph 3, she understood the reasons for the provision that the parties should not be required to furnish statistical returns respecting stocks intended for government purposes. Nevertheless, the provision seemed to be contradicted by the second part of the paragraph, which should perhaps be deleted. The Board could estimate stocks and utilization of drugs for government purposes even if the initial quantities were unknown, as it received returns respecting quantities of drugs produced and imported for those purposes as well as the quantities used for the civilian population. Her delegation considered that the data need not be furnished to the Board, since there was no possibility that the stocks intended for government purposes might be used for the illicit traffic. Consequently, control in that field lay within the competence of individual States. The Czechoslovak delegation also proposed the deletion of the provisions of article 28, paragraph 1 (e) and of article 29, paragraph 1 (e).

Mr. LANDE (Deputy Executive Secretary) explained that if the proposals of the *ad hoc* committee on articles 31 to 34 (E/CONF.34/3) in respect of poppy straw were adopted by the Conference, poppy straw as such would not be a drug, and the provisions of article 27, paragraph 1 (a) and article 28, paragraph 1 (a) regarding the information on areas would not be applicable to areas cultivated with the poppy for seed and poppy straw. Already under the present text, neither paragraph would apply to areas in which the cannabis plant was cultivated for industrial purposes.

Mr. CURRAN (Canada) said that it had certainly not been his intention that the requirements concerning statistical information should be weakened. He had merely been concerned that there should be sufficient flexibility to enable the Board to take account of changed circumstances. Furthermore, countries that were not parties should also be permitted to provide information. He sympathized with the viewpoint expressed by Sir Harry Greenfield concerning the need for statutory regulations.

Mr. NIKOLIC (Yugoslavia) agreed that the Convention as a whole should be simplified, though without loss of effectiveness. On the other hand, it had been suggested that there should be flexibility concerning the information furnished to the Board so as to provide for future eventualities. He was not entirely sure that there was a need for such flexibility for, with the scientific advances that were being made, it might subsequently be possible to replace opium and other drugs by substances which had no harmful effects, and there might then be no need for a single convention at all. Besides, if a State signed a multilateral convention, it could not enact the national laws necessary to fulfil its obligations under the instrument unless it knew precisely what those obligations were.

Concerning article 28, he fully agreed with the representative of the USSR that superfluous information

should not be requested. For instance, it would be redundant to furnish information on the approximate quantities of drugs produced in the areas cultivated, as laid down in article 28, paragraph 1 (a).

Mr. RAJ (India) said that the provisions of article 27 were acceptable, as they had worked very well in practice and were based on the 1931 Convention. He agreed, however, with the representatives of Canada, the United States and USSR that article 27 and the other articles on statistics and estimates could be simplified. For the reasons mentioned by the representative of the USSR, India had also found it difficult in practice to furnish its annual returns within three months. He noted that the United Kingdom delegation had the same difficulties, and suggested that the period should be extended to give the larger countries the necessary time to prepare their returns. Five to six months might perhaps be a suitable time-limit.

Mr. VERTES (Hungary) agreed that the Convention should be simplified. Accordingly, he would support the deletion of the provision regarding statistics on areas cultivated for the production of drugs.

With reference to article 27, the technical committee had decided that concentrates of poppy straw should be included in schedule I. Thus, as soon as the Convention entered into force it would be necessary to furnish estimates of the amounts of concentrated poppy straw produced. In Hungary, concentrated poppy straw was only an intermediate product. The process of transformation was continuous, with the result that the proportion of concentrate was initially low and gradually rose to the maximum, until alkaloids were ultimately produced. It was therefore hard to establish at what precise point the statistics would have to be furnished. The provision might therefore be amended to the effect that statistics should be supplied in cases where the product was intended for the open market.

With regard to article 27, paragraph 1 (c), he fully agreed with the Deputy Executive Secretary that it was necessary to draft the provision so that it also covered poppy straw. But since poppy straw was not a narcotic until it had been processed, the drafting committee should be asked to devise a suitable wording.

Concerning the time-limit for the submission of statistics, Hungary supported the United Kingdom view that five months would be a suitable period.

As to the manner and form in which statistical returns should be furnished to the Board, he said the matter was so important that the *ad hoc* committee should consider all its aspects thoroughly.

Dr. MABILEAU (France) said that article 27 was on the whole acceptable, although some changes might be desirable, especially with regard to the role of the Commission in connexion with statistical returns. It was reassuring to learn from the Deputy Executive Secretary that the provisions of article 27, paragraph 1 (a), and of article 28, paragraph 1 (a), would not apply

to areas cultivated for industrial purposes. In any event, since production varied from year to year in a given area, such information could only be approximate and therefore of doubtful value.

The time-limit for submitting statistical information and estimates should clearly be discussed further, as should the question of stocks and the use of the term "government purposes"; provisions acceptable to all parties should be drafted.

On the question of flexibility, he thought that a systematic attempt to simplify the text might have the effect of weakening the Convention. Instead, flexibility might be achieved by the judicious use of the machinery provided in the text for making changes in the light of circumstances.

Mr. NIKOLIC (Yugoslavia) said that, so far as the difficulties presented by poppy straw concentrate were concerned, he agreed that so long as the product was in the factory it was an intermediate product, and therefore the requirements concerning the submission of information should not apply. But when the poppy straw left the factory in the form of concentrate and entered the market, the stringent measures provided for opium had to be applied. From that point on, the Board should have all the necessary statistical information concerning the product.

Mr. YATES (Executive Secretary), referring to article 27, paragraph 1 (paragraph reference 172), said that it was the view of the Secretariat that the statistical forms should be established by the Board and that no reference to the Commission was necessary.

Mr. KOCH (Denmark) said that while he had initially been prepared to support the representative of Canada in his plea for a simplification of the text, his delegation was now inclined to have reservations on the subject. It would, in fact, be better if the Convention specified the obligations of the parties in some detail, for otherwise there was a danger that in the future a government might find itself confronted with a difficult request. There was already a measure of flexibility, in that under article 11 (paragraph reference 78) the Board could amend the list of items in respect of which parties were required to furnish statistics and estimates. In fact, he was not entirely sure that even that provision was suitable for inclusion in the text. With regard to the time-limit for submitting information, he agreed that the period stated was too short, since it was hard even for the smaller countries to compile their information in time. He agreed with the representative of the USSR that the term "government stock" might be misleading; perhaps the Soviet delegation would propose an amendment.

The meeting rose at 12.55 p.m.

EIGHTEENTH PLENARY MEETING

Thursday, 16 February 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)

Article 4 (Obligations of the parties)

Article 20 (Administration of the estimate system)

Article 21 (Administration of the statistical returns system)

Article 26 (Information to be furnished to the Secretary-General)

Article 27 (Statistical returns to be furnished to the Board)

Article 28 (Estimates of production and drug requirements)

Article 29 (Limitation of manufacture and importation)

The PRESIDENT, inviting the Conference to continue the debate on the above articles, suggested that, at that stage, remarks on articles 27 and 28 should relate to broad matters of principle.

Mr. WIECZOREK (Poland) said his delegation would support the clear and constructive proposal concerning articles 21, 27 and 28 made by the Canadian representative at the preceding meeting. A general provision would be preferable to a detailed provision. His delegation also agreed with the representatives of the USSR and Canada that the parties should not be required, by the terms of the Convention, to furnish superfluous information to the international control organs. If the Conference was in agreement on the Canadian proposal, the articles might be referred to an *ad hoc* committee.

Mr. BERTSCHINGER (Switzerland) considered article 27 the cornerstone of the entire narcotics control system. And though that article, as drafted, could provide a secure foundation for the fight against the illicit traffic, the *ad hoc* committee should take into account the criticisms expressed by various delegations. On the other hand, he could not share the United States representative's favourable view of article 28, for reasons which he would explain in the *ad hoc* committee.

U TUN PE (Burma) thought that article 27, paragraph 1 (a), should be re-drafted in more flexible terms. His government was not in a position to furnish statistical returns in respect of the areas cultivated for the production of opium or the quantity of opium produced. Because the Shan States had been excluded from the operation of the Geneva Agreement of 1925 and also from the Bangkok Agreement of 1931, the authorities in that region had not collected any statistics. In addition, most of the areas in which the opium poppy was grown were not in fact administered. His government would do its best to furnish figures but would find it difficult to carry out that obligation satisfactorily with respect to the

border areas, which had not been supervised for a long time because of the difficult terrain, the lack of communications and the absence of a clearly demarcated frontier. Furthermore, the three-month period allowed for the preparation and furnishing of statistics to the Board under paragraph reference 181 was too short to be practicable in hilly country without a developed communications system. In his delegation's opinion, a six-month period should be granted.

Mr. VERTES (Hungary), referring to the Yugoslav representative's statement at the preceding meeting regarding poppy straw concentrate, agreed that there could be two different situations: one, as in Hungary, where poppy straw was converted into morphine without leaving the factory; and the other, where poppy straw concentrate was exported. He shared the Yugoslav representative's view that an appropriate provision should be inserted in the Convention to cover the second situation.

Mr. GRINBERG (Bulgaria) associated his delegation with the reservations which had been expressed by other delegations regarding article 27, paragraph 1 (a). The statistics of areas cultivated for the production of drugs would not provide the Board with any useful information. His delegation also had doubts about the expressions "government purposes" and "government stocks" in paragraph 3 of that article, but believed that the matter would be dealt with in the *ad hoc* committee.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) considered articles 27 and 28 important for the effective realization of the control system, since the statistics received under those articles would enable the Board to survey the world drug situation. Some provisions, such as paragraph 1 (a) of article 27 and paragraph 1 (a) of article 28 requiring statistics and estimates in respect of the areas cultivated or to be cultivated for the production of drugs, were unsound and would have to be reconsidered. Some delegations had suggested that the articles under consideration should be made more flexible. But as the Convention would impose legal obligations on the parties, governments would have to know what obligations they were assuming in adhering to the Convention, and in particular what information they would be required to transmit. Accordingly, he did not agree with the delegations who would insert general formulae and permit the Board to determine what statistics it would require. Furthermore, the manner and form of furnishing statistical returns should be approved by the Commission, as provided in article 27, since the Commission would be a more representative body than the Board.

Mr. BITTENCOURT (Brazil) said that, in view of the vast size of his country and the slowness with which statistics were gathered, it would be preferable to set a time-limit of six months for furnishing statistics.

Mr. ASLAM (Pakistan) also favoured a longer period for furnishing statistics. He supported the Canadian suggestion that the provision on statistical information should be rather flexible and not too detailed. In view of the provision in article 21, paragraph 4, to the effect that it should not be within the competence of the Board to question or express an opinion on statistical infor-

mation respecting drugs required for government purposes, what purpose was the information required in article 27, paragraph 3, intended to serve?

Sir Harry GREENFIELD (Permanent Central Opium Board) suggested that it would be better to take up that question in the *ad hoc* committee.

Mr. GREGORIADES (Greece) supported the PCOB view that the words "addition to government stocks" in paragraph 1 (e) of article 28 should be replaced by the words "government purposes". He was confident that the passage could be redrafted to cover conditions in socialist countries and in countries like Greece, where government agencies were in charge of the production and manufacture of drugs, and reconciled with the preceding clause. With respect to paragraph 4 of articles 28, he proposed that the final clause should read "and the reasons of any changes in the said method". In view of the very dangerous character of the drugs concerned, it would be appropriate to require an explanation of any changes in the method used for determining quantities shown in the estimates.

Mr. CHA (China) agreed that the modification of paragraph 1 (e) of article 28, suggested by the PCOB, should be adopted.

Mr. RAJ (India), referring to article 28, paragraph 1 (a), said that his government would find it difficult to furnish estimates of areas to be cultivated for the production of drugs such as cannabis. The cannabis plant grew wild in India, although the collection of cannabis from wild plants was strictly controlled. There was no connexion between the amounts of cannabis produced and the areas under cultivation, and his delegation entirely shared the views of the PCOB and Drug Supervisory Body cited in footnote 25 to article 28.

Mr. LIMB (Republic of Korea) did not think that paragraph 1 (a) of article 28 should apply to cannabis in countries where the cannabis plant did not contain narcotic substances and was grown only for industrial purposes.

The PRESIDENT invited comments on article 29.

Mr. BITTENCOURT (Brazil), referring to paragraph reference 206, suggested that the opinion of the government of the importing country should be taken into consideration in the exceptional cases in which exports were essential for the treatment of the sick. He also proposed that the word "essential" in the last line of paragraph reference 206 should be replaced by the word "indispensable", to make the criterion even stricter.

Mr. RAJ (India), noting that paragraph 4 of article 29 was restricted to exports, said that in his delegation's view, the paragraph should deal with imports as well. He agreed with the Brazilian representative that the importing country was the better judge of the need for imports of drugs for the treatment of the sick in emergency cases. While it might be difficult for the PCOB to check imports, that could be done *ex post facto*.

The PRESIDENT invited comments on article 20.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that, in connexion with article 20 as with all the articles of the Convention referring to non-party States, his delegation took the position that the Convention should have no repercussions on countries which had been deprived of the right to take part in the Conference and might be prevented from acceding to the Convention under article 48. Paragraph 2 of article 20 clearly affected States not parties to the Convention: the wording, in itself, was contrary to the spirit of the Convention.

The PRESIDENT invited comments on article 21.

Mr. RAJ (India), referring to paragraph 4 of that article, hoped that it would made clear that the provisions of article 22 were not applicable to drugs required for government purposes.

Mr. GRINBERG (Bulgaria) said that article 21, paragraph 2, was open to the same criticism as had just been directed by the representative of the USSR at article 20, paragraph 2. Since many States had not been invited to take part in the Conference and might be barred from acceding to the Convention, provisions of that type were not justifiable.

Mr. WIECZOREK (Poland) supported the statements of the USSR and Bulgarian representatives concerning the paragraphs in articles 20 and 21 affecting States not parties to the Convention. If the procedure for acceptance in article 48 was improved, as he hoped, those paragraphs of articles 20 and 21 might be included, but for the moment he would have to put on record his opposition to them.

Mr. CHA (China), noting that there was no stipulation in the articles under consideration concerning synthetic drugs, asked whether there was any provision in the draft Convention covering the duty of the parties to submit information to the Board in respect of the production, manufacture and consumption of such drugs. It was his impression that the schedules did not contain synthetic drugs.

Mr. LANDE (Deputy Executive Secretary) said that the obligation to furnish statistics and estimates would exist in respect of synthetic drugs, since the term "drugs" would include all substances in schedules I and II. All synthetic drugs at present under international control had been included by the technical committee in those schedules. The schedules in document E/CN.7/AC.3/9/Add.1 included all synthetic drugs under international control at the time at which that document had been prepared.

The PRESIDENT suggested that the *ad hoc* committee to consider articles 4, 20, 21, 26, 27, 28 and 29 should be composed of the representatives of Australia, Brazil, Burma, Cambodia, China, the Republic of the Congo (Leopoldville), Czechoslovakia, Denmark, France, the Federal Republic of Germany, Ghana, Hungary, India, Iran, the Republic of Korea, Liberia, Mexico, Morocco, the Netherlands, New Zealand, the Philippines, Sweden, Switzerland, Turkey, the Ukrainian Soviet Socialist

Republic, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America.

It was so agreed.

Article 22 (Measures to ensure the execution of the provisions of the Convention)

The PRESIDENT invited debate on article 22.

Mr. SAFWAT (Director of the Permanent Anti-Narcotics Bureau of the League of Arab States) recalled that the Middle East Narcotics Survey Mission of 1959, of which he had been a member, had discovered abundant evidence of the illicit traffic in cannabis and opium and of the illicit manufacture of narcotic drugs, particularly heroin (E/CN.7/382). The increase in the production and consumption of narcotic drugs was a clear indication of the urgent need for strict international control of the production of and trade in all such drugs. The system of controls set up under the nine existing international narcotics treaties comprised both national and international control of the manufacture of, trade in and distribution of narcotic drugs, with the basic aim of preventing both the illicit traffic and drug addiction.

Unfortunately, although ninety countries were parties to the different narcotics treaties, many of them had not fulfilled their obligations. The reports of the Permanent Central Opium Board showed that it was difficult to obtain accurate figures for the production of opium from the producing countries and the figures themselves were difficult to interpret. The Board therefore had considerable difficulty in estimating the needs of any country.

As was stated in the report on its thirteenth session in 1958 (E/3133, para. 111) the Commission had been sorry to learn that many countries were not carrying out fully the estimate system set forth in the 1931 Convention and that defective estimates still constituted a problem. In 1957, thirty-three countries had submitted no reports on seizures (*ibid.*, para. 202).

The international control system had been in existence for some considerable time, and experience over the last forty years had shown that it had many defects. First, although the United Nations urged governments to co-operate and exchange information, many of them did not do so. Secondly, there was no permanent international system of inspection of the production and distribution of narcotic drugs. Thirdly, the international supervisory bodies had no authority to oblige governments to heed their recommendations. Fourthly, new drugs had appeared, such as synthetic drugs, barbiturates, amphetamines and khat, for which no provision had yet been made. It was obvious that the present system must be improved so as to enable the United Nations to exercise effective supervision over the producing and manufacturing countries.

The only part of the draft Single Convention which laid down enforcement procedures was article 22. Although that article had its good points, it was not sufficient to remedy the present situation, as there were still member States which took no steps to ban the cultivation of cannabis, combat the illicit traffic or seize opium. The situation was so grave that if stringent

measures were not taken, the results would be catastrophic from the health, economic and social points of view.

Article 22 might be strengthened by the addition of a paragraph to the effect that, if the Board became convinced that any party to the Convention was not fulfilling its obligations, it could request the Secretary-General to take action to destroy prohibited crops, seize any surplus production from licensed cultivation and any illicit production from factories, and control the borders of countries known to be used for the illicit traffic. The measures would be carried out under the supervision of a small group of United Nations experts.

Mr. MAURTUA (Peru) pointed out that article 22, paragraph 1 (a) and (b) contained provisions for disciplinary action against governments who were failing to carry out their obligations under the Convention; but governments might find themselves unable to deal with such problems as drug addiction because of internal difficulties such as the nature of their law-enforcement and administrative machinery. In such cases, international assistance should be provided to help governments to solve their narcotics problems.

Mr. GREEN (United Kingdom) said that there was a lack of uniformity in the criteria which the Board was to adopt for the different kinds of action it was to take under article 22. Under paragraph 1 (b), the Board was to act on the basis of information in its possession. Paragraph 2 specified that action was to be taken if the Board found that the substantial failure of a State to carry out the provisions of the Convention was seriously impeding the control of drugs in the territory of another State. According to paragraph 3 (a), the Board might recommend an embargo if, as a result of its study of the estimates and statistics furnished under articles 27 and 28, it found that a party had failed substantially to carry out its obligations under the Convention or that any other State was seriously impeding the effective administration thereof. The Board might find it difficult to judge which action to take in a given case and, having initiated relatively mild measures, might even be precluded from taking more drastic action. The *ad hoc* committee should try to lay down the order in which the different types of action should be taken and define the reasons that should dictate the choice of one measure rather than another.

The *ad hoc* committee should also consider whether the Board should be given such powers as those provided in article 22. The President of the Permanent Central Opium Board had stated at the previous meeting that the most potent means at its disposal was the public expression of its comments or recommendations in its annual report. The powers conferred upon it by the proposed article were much greater, but it might not wish to use them. Under article 24 of the 1925 Convention, the Board had the power to recommend an embargo, but it had never done so. He doubted whether the Board should be given even greater powers than those it already had or even whether it should continue to exercise those of its present powers that had never been used.

Mr. RABASA (Mexico) said that, before considering article 22 in detail, the Conference should consider cer-

tain general questions, in particular the character of the Board. It was obviously not a functional commission of the Economic and Social Council but a highly technical auxiliary body of the Commission on Narcotic Drugs. As it was to replace both the present Permanent Central Opium Board and the Drug Supervisory Body, its functions must be much the same as theirs in other words, technical and administrative.

It was obviously inappropriate to give a technical body the extraordinary executive powers set out in article 22 to enforce the provisions of the Convention. Such powers would make the board all-powerful. They were so broad that the article would have to be fundamentally altered if the Convention itself was to be generally acceptable. As article 22 stood, it only cast doubt on the willingness of States to carry out their international obligations but also vested the Board with political powers which lay outside its competence.

Everyone agreed that the Board should be responsible for estimates and the control of stocks, but many delegations would be opposed, quite rightly, to its being given sole power to judge whether the provisions of the Convention were being substantially carried out. There would be no objection to its requesting information from governments or asking for explanations, but for it to make public declarations, call upon a government to adopt remedial measures, decide upon a local inquiry or force a country to apply an embargo would be an infringement of the sovereignty of States. Such safeguards as the appeal procedure, the provision that such decisions should be taken by a majority of the Board and the quality of the Board's membership could not offset the grave moral offence that the mere suspicion that it was not carrying out its international obligations would cause to a State.

Paragraph 1 (e), in particular, was totally unacceptable. The mere proposal to make a local inquiry would be an infringement of its sovereign rights. Some attempt had been made to cloak the extremity of such a measure by stating that if the government failed to reply within four months to the Board's proposal, that would be considered a refusal to consent; but if the government did not consent, the Board would decide, without any real evidence, that that government had failed substantially to carry out the provisions of the Convention; and in that case, the Board might call the attention of the parties and the Council to the matter and publicly declare that, in its opinion, a party had violated its obligations. The provision that the Board should publish the views of the government concerned if the latter so requested was an attempt to mitigate the severity of the measure, but it was in itself completely unacceptable.

His delegation had stated its reasons for opposing local inquiries in the Commission on Narcotic Drugs. Such inquiries would be a violation of national sovereignty. In Mexico, the government exercised the power conferred upon it by the people through the legislature, the executive and the judiciary in accordance with the Constitution. If a person or committee was sent by the Board to conduct a local inquiry in Mexico, that would conflict with the constitutional principle of the inviolability of its national territory. The provision that the

inquiry was to be carried out with the consent of the government was no defence, for the government could not refuse if it wished to avoid unpleasant publicity.

Furthermore, the criteria by which the Board was to judge whether a State had failed substantially to carry out its obligations needed clarification. There was no definition of what were the substantial provisions of the Convention and no indication of what factors would be taken into consideration to decide whether a party had or had not failed to carry them out. That was a most important point, for a party might be wrongly accused even though the accusation was made in good faith. Lastly, no provision was made for an appeal against the Board's ruling or for the government concerned to be given a previous hearing before being pilloried for not carrying out its obligations. The article must be amended to allow a government in such a position to defend itself. He had further comments to make regarding the commendation of embargo and the mandatory embargo, but he would make them in detail on a later occasion.

He wished it to be clearly understood that none of the criticisms he had made were to be interpreted as an attack on the members of the Board, in whose integrity and competence he had the greatest confidence. He had merely wished to state very clearly his fundamental objections to granting the Board powers which went far beyond those of the International Court of Justice.

Mr. CURRAN (Canada) said that his government had already voiced its concern regarding article 22, which, however desirable, might be a stumbling block to the acceptance of the Convention. If drugs were to be used for medical and scientific purposes only, some form of enforcement should be envisaged, but it had to be reasonable. The inclusion of unnecessary and unrealistic police measures would not only be unlikely to ensure enforcement, but would prevent many countries from signing the Convention. Although Canada had no reason to fear that the provisions of article 22 would be applied to it, he sympathized with the views expressed by the previous two speakers. In any event, there were certainly more effective means of ensuring the implementation of the Convention than a mandatory embargo with an appeal procedure. The fact that the power to recommend an embargo provided for in the 1925 Convention had never been used showed that there must be better and more modern means of ensuring compliance with the provisions of the Convention.

The question of sanctions had been much discussed during the drafting of the 1953 Protocol, but it had been felt that a final decision should be deferred until the Single Convention was being considered. That time had now come. There were alternatives to article 22 as drafted. A more practical procedure might be that laid down in article 23, which might possibly be strengthened; alternatively, the provision in article 22 relating to a public declaration that a party had violated its obligations might be retained, but in that case, the country concerned should be given an opportunity to explain the circumstances and defend itself before the declaration was made. In any event, article 22 must be radically altered if the Convention was to be saved.

Dr. MABILEAU (France) said that he was broadly in agreement with the previous speaker. Only thirty-eight States had acceded to the 1953 Protocol, largely because of objections to the enforcement measures, which had been regarded as a violation of sovereignty.

The measures fell into four main groups. Those in paragraph 1 (a) to (c) (reference paragraphs 125 to 129) were unobjectionable. The local inquiry procedure mentioned in paragraph 1 (e) might be admissible if it was carried out with the consent of governments, but the matter needed further thought. The recommendation of an embargo (paragraph 3), which existed under the present system, had been used. It might nevertheless be regarded as a powerful weapon to be kept in reserve, and he was in favour of its retention. As for the mandatory embargo (paragraph 4), the objections to it were so great that, in order to make the Convention generally acceptable, it seemed better to drop it.

Mr. ASLAM (Pakistan) associated himself with the views expressed by the Canadian representative regarding the general concept of article 22. Although he understood the motives underlying the provisions in question, he thought that they should be omitted in order to make the text generally acceptable. It would be better not to discuss the article in detail at that juncture, but to refer it to an *ad hoc* committee with the request that it should select those provisions which it felt to be suitable for inclusion in the final text of the Convention.

Mr. BELONOGOV (Union of Soviet Socialist Republics) endorsed the comments of the representative of Mexico. Article 22 was one of the least acceptable provisions of the whole draft Convention. It violated the sovereign rights of States and was not in harmony with the functions of the Board, which were technical and supervisory. The Permanent Central Opium Board and the Drug Supervisory Body adequately fulfilled those functions at the moment and there was no need to extend the powers of the new board. He particularly objected to the Board's being given the power to make political decisions, such as the decision to impose economic sanctions. He was also opposed to the Board's being given police functions, such as the carrying out of inquiries, which lay outside its competence. As the USSR had stated in its comments (E/CONF.34/1), such an extension of the Board's powers was quite unjustified. In addition, his delegation objected to the provision that the Board should be entitled to impose a mandatory embargo that was unacceptable in principle, and he agreed with the United Kingdom representative that it would be useless to give the new board a power which had been used under the existing system.

Mr. DANNER (Federal Republic of Germany) said that his government had ratified the 1953 Protocol, which provided for similar enforcement measures, because it had felt sure that those measures would not be applied except in respect of a State which wilfully violated its obligations under the Protocol. The proposed enforcement provisions were unlikely ever to be applied, and he agreed that the question should be considered whether such severe provisions were necessary at all.

Mr. LIANG (China) said that his delegation was in general agreement with the provisions of article 22. Such provisions were essential if the trade in drugs was to be effectively controlled on a world scale. A mandatory embargo would not be an undue infringement of national sovereignty, since paragraph 4 (ii) made it clear that such an embargo would be imposed only as a last resort; nor would a local inquiry constitute such a violation, provided that it was carried out with the consent of the government concerned. However, as many delegations thought that the proposed provision would give the Board excessive powers, and as the Board had never taken action in pursuance of the existing provisions, his delegation agreed with the Canadian representative that it would be preferable to devise some alternative machinery, so long as it was sufficiently effective. He also supported the Pakistan representative's suggestion that the *ad hoc* committee should be asked to formulate provisions which would be generally acceptable.

Sir Harry GREENFIELD (Permanent Central Opium Board) pointed out that it was not quite correct to say that the Board had never acted on the enforcement provisions of the 1925 Convention. On three occasions before the Second World War such action had been initiated, but it had not been carried to a conclusion.

He would consider it a pity if the future board was to be just an appendage to another body, and he was surprised that representatives who were familiar with the work of international narcotics control should think of the Board's functions in that way.

Mr. BANERJI (India) said that article 24 of the 1925 Convention, article 14 of the 1931 Convention and article 11 of the 1953 Protocol each embodied some or all of the ideas of the article under discussion. India was a signatory to all three instruments, and was in favour of any measure which effectively ensured that parties took steps to combat the scourge of addiction; nor would his delegation wish to see the Board deprived of any of the valuable functions which it performed. However, the Indian delegation appreciated that some governments might have difficulty in accepting the idea of local inquiries and embargoes, particularly in a mandatory form, and it might therefore be wise not to insist on such clauses. Therefore his delegation would be ready to consider sympathetically any proposal that might emerge in the *ad hoc* committee for a more generally acceptable solution.

He also agreed that the Board should not become merely a subsidiary organ, but should remain an impartial, non-political body; thus the Board should not be given the responsibility for taking decisions of a semi-political and controversial nature. Such action should be left to bodies such as the Narcotics Commission, the Economic and Social Council, and the General Assembly.

Mr. KRUYSSSE (Netherlands) said he saw no objection in principle to the proposed provisions for local inquiries and embargoes, but he did not think that an embargo would ever in fact be imposed and he would not object to the deletion of the relevant provision. In view of the difficulties felt by other countries, his dele-

gation would be ready to join in seeking alternative means of ensuring the efficacy of the Convention.

Paragraph 1, as drafted, would give the Board general responsibility for ensuring that the provisions of the Convention were carried out. His government considered that the Board should not be given so wide a responsibility, as its authority might in fact be weakened thereby. For example, the provisions for the treatment of addicts were not the concern of the Board. Furthermore, there was the danger of a conflict between the Board and the Commission, which had similar functions. The Board's role should remain as under the 1925 and 1931 Conventions, and he suggested that the words "and in order to ensure that the provisions of this convention are carried out", appearing in paragraph 1, should be deleted.

Mr. NIKOLIC (Yugoslavia) said that, as he had pointed out in his general statement, the 1953 Protocol had served the useful function of indicating what measures were likely to prove unacceptable. He was glad that most delegations appeared to agree that draft article 22 would need amendment, and he was confident that a solution could be found. He endorsed the remarks of the Mexican, Canadian, and USSR representatives on the subject.

Mr. WIECZOREK (Poland), referring to his government's comments (E/CN.34/1), said that article 22 was unacceptable because it would substitute coercive measures for the principle of co-operation, and because it would prevent the Convention from receiving general support.

Mr. GREGORIADES (Greece) said that his delegation wanted to see a Convention "with teeth"; he would therefore like the article retained, but he realized that some of its provisions raised difficulties for many governments, and his delegation would try to put forward suggestions for making the text easier to accept. A decision to delete the article would constitute a retreat which might prove dangerous, particularly since similar provisions already existed in the 1953 Protocol. With regard to the statements by many representatives that the embargo provisions had never been put into effect, he pointed out that the existence of such powers was valuable even if they were not used.

Mr. ADJEPONG (Ghana) said that the ultimate decision regarding the implementation of the Convention should lie with parties. There was no harm in the suggestion that the Board could help in conducting inquiries, but the initiative in asking for such help should be left to the government concerned. Similarly, the provision in paragraph 4 for a mandatory embargo was out of keeping with the humanitarian purposes of the Convention. Governments should certainly co-operate, but the Board should not be given the powers of a super-government. He endorsed the Mexican representative's remarks on the subject.

Mr. GRINBERG (Bulgaria) supported the statements made by the representatives of the United Kingdom, the Soviet Union, Mexico and Canada. His delegation would like article 22 to be deleted; while the idea

of having a perfect instrument might be attractive, what mattered was that it should be generally acceptable. He thought that most earlier speakers had been in favour of the deletion of the article; and if that was not the majority view, there was at any rate general agreement that some alternative formula would have to be worked out. He therefore supported the suggestion of the representative of Pakistan that the *ad hoc* committee should be asked to seek such a formula.

Mr. YATES (Executive Secretary) said that the secretariat had kept in close touch with the possibilities of operation of the board's "executing" power since it was involved in those provisions of article 24 of the 1925 Convention which envisaged action through the Secretary-General or if the party concerned brought the matter before the Economic and Social Council. It had also studied the possible extension of such a power in connexion with the Single Convention.

With reference to the comments of the United Kingdom and Netherlands representatives on the widening of the Board's functions, he agreed that the article, for example in paragraphs 1 (b) and 2, would apparently provide for sanctions even in respect of the execution of the penal provisions relating to illicit traffic and of the provisions for the treatment of addicts; that interpretation went, perhaps, beyond the original intention of the drafters.

With regard to the implementation of the embargo provisions, he pointed out that some of the circumstances in which the 1925 Convention had been drawn up no longer prevailed. At that time, some manufacturing countries had been over-producing and drugs had been leaking from the legal factories in their territories into the illicit traffic, and in such cases a commercial sanction had had some point. Moreover, lawful exports had often been diverted into illicit channels. At the present time, the illicit traffic came mainly from illicit sources, as the Commission on Narcotic Drugs and the PCOB had both pointed out. Some governments, such as that of Hong Kong, had themselves drawn attention to the fact that their countries had become centres of illicit traffic, but there had been no application of sanctions; indeed, that government had been commended by the international bodies for its exposure of the situation and its attempts to remedy it.

Secondly, it was very doubtful whether the existence of such a sanction would assist the work of the Board. He quoted extracts from an article by Mr. Herbert May, a former President of the Board, in the *Bulletin on Narcotics* (January to April 1955, page 10), which drew attention to the difficulties and risks which would be experienced by the Board in implementing such sanctions, the risk that an embargo might cut off necessary medical supplies and the fact that it was a matter of chance whether such an embargo would be of consequence to a country or not. Mr. May had rightly pointed out that the principal means of compliance on which the Board must rely was the good faith of governments and the power of public opinion.

The meeting rose at 5.45 p.m.

NINETEENTH PLENARY MEETING

Friday, 17 February 1961, at 10.40 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/1 and Add.1-3) (continued)

Article 22 (Measures to ensure the execution of the provisions of the convention) (continued)

The PRESIDENT invited the Conference to continue the debate on article 22.

Mr. NIKOLIC (Yugoslavia) suggested that the measures provided for in the article fell into two distinct categories. The first group (paragraph 1 (a) to (d)) were administrative in character whereas the remainder were more in the nature of penal sanctions. The Conference might therefore discuss each clause, one by one, in the plenary meeting, taking the administrative measures first, and then passing on to those providing for a local inquiry and the embargo. Such a course would facilitate consideration, which could later be continued by the working group.

Mr. CURRAN (Canada) doubted the wisdom of voting separately on each clause. If that course were followed a curious situation might result, since the provision regarding the mandatory embargo might be deleted, the provision for a local inquiry might either be deleted or retained and the question of providing for a commendatory embargo would be left open. The whole article needed very careful consideration in order to devise a more realistic procedure, for a convention could be violated in different ways—either wilfully or innocently. It would perhaps be more constructive to provide that the Board should have the power, not to punish, but to obtain information, in the light of which it would be able to determine whether a country needed assistance in implementing the Convention.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that however desirable it might be to expedite the work of the Conference, it should not sacrifice quality. It would be preferable to discuss the individual clauses separately. In that way, those provisions which met with unanimous agreement could be disposed of immediately without reference to an *ad hoc* committee, whereas all controversial ones could be discussed at length in committee, instead of being voted on at the first reading. That course would avoid a duplication of the discussion.

Mr. GREEN (United Kingdom) thought that the provisions of the article fell into three categories and could accordingly be dealt with in different ways.

First, there were those provisions which were generally unpopular. The provisions of paragraph 4 (mandatory embargo) came under that heading and could perhaps best be disposed of in the plenary meeting.

Secondly, there were the provisions which encountered considerable but not universal opposition. They included the paragraph relating to a local inquiry. The Conference, at its plenary meeting, could decide whether or not to vote on the substance of those provisions.

Thirdly, there were provisions, like those regarding the recommended embargo, which had not yet been discussed, or on which delegations were undecided. Since those points needed further discussion, they might be referred to an *ad hoc* committee.

Mr. De BAGGIO (United States of America) agreed. The Conference might first deal with the provision for the mandatory embargo and then that concerning the local inquiry.

Mr. BANERJI (India) agreed that the Conference should be able to decide those two questions in the plenary meeting and that the details of the other provisions could best be studied by a committee.

Mr. RABASA (Mexico) said that though agreeing with the classification of the provisions suggested by the representative of the United Kingdom, he was inclined to regard the provision for the local inquiry (paragraph 1 (e)) as even more controversial than that for the mandatory embargo, in that it was a challenge to the internal jurisdiction of States. He thought it should be classed in the same category as the provision concerning the mandatory embargo.

Dr. MABILEAU (France) suggested that the provision concerning a mandatory embargo should be disposed of first, since it was unanimously opposed. The other provisions might then be discussed further.

Mr. ACBA (Turkey) agreed with the representative of Mexico that the provision concerning local inquiries infringed national sovereignty and was therefore unacceptable. If a vote was taken in the plenary meeting, therefore, that provision should be voted on jointly with the one concerning the mandatory embargo. Such a course would facilitate the work of the Conference and of the *ad hoc* committee.

Mr. NIKOLIC (Yugoslavia) said that he was not in favour of taking a vote on the provisions in the plenary meeting, although he would defer to the wishes of the majority. Secondly, he did not agree that the provisions could be classified as the United Kingdom representative had suggested.

Miss HARELI (Israel) said that the implementation of the Convention should essentially result from the voluntary action of the individual governments. The imposition of such measures as a mandatory embargo or a local inquiry was consequently undesirable. There might well be cases, however, in which a government would welcome the assistance of the Board in conducting inquiries, and the Conference should therefore not preclude the possibility of inquiries conducted with the free consent of the government concerned.

Mr. WIECZOREK (Poland) suggested that it might be possible, even without taking a vote, for the Conference to agree in plenary to delete those provisions

which met with unanimous opposition. On the other hand, the provisions on which there were differing views could be referred to the working group.

The PRESIDENT, noting that the differing points of view on the procedure to be followed seemed impossible to reconcile, ruled that the article should be dealt with in four distinct parts. He would first invite discussion on paragraph 1 (a) to (c), which concerned the normal competence of the Board and on which there seemed to be general agreement, so that there should be no need for a vote. Next would come paragraph 1 (d) to paragraph 2 (b), dealing with the remedial measures which the Board might invite a government to adopt. In the third place, the Conference would discuss paragraph 3, concerning the recommendation of embargo; and, lastly, paragraph 4, dealing with the mandatory embargo and appeal.

Paragraph 1 (a), (b) and (c)

Mr. GREEN (United Kingdom) suggested that, since the provisions in question were either non-controversial or indeterminate, they should be referred to an *ad hoc* committee.

Mr. RODIONOV (Union of Soviet Socialist Republics) agreeing with that suggestion, said that his delegation would present its views in detail to the *ad hoc* committee. He recalled his earlier remarks on the principle of voting on the various clauses at first reading. That applied to all the articles but, if there seemed to be unanimity, the Soviet Union would abide by the general wish to eliminate any given provision of an article. In particular, he said that the provisions concerning a local inquiry and the mandatory embargo should be deleted and that the matter could be disposed of in the plenary meeting.

Paragraph 1 (d) and (e), paragraph 2

Mr. GREEN (United Kingdom) said that paragraph 1 (d) 130 had not as yet been discussed but might well be discussed in an *ad hoc* committee. The provision would need some re-drafting. Paragraph 1 (e), on the other hand, was unnecessary. It was only permissive in that a government had to consent to the inquiry; and, whether it was retained or not, there would be nothing to prevent the Board from agreeing with a government that a local inquiry should be held. The representative of Israel could therefore be reassured on that point.

Paragraph 2 should be discussed further in an *ad hoc* committee.

Mr. DANNER (Federal Republic of Germany), referring to paragraph 1 (d), said that it should be made clear that a party to the Convention would be expected to take only such measures as were in conformity with national law.

Mr. RABASA (Mexico) said that his delegation reserved the right to state its views in detail on all the provisions referred to an *ad hoc* committee, since the plenary meeting was concerned only with questions

of principle. He reiterated his delegation's view that the provision concerning a local inquiry should be totally deleted. If a government wished spontaneously and voluntarily to invite an investigation, it would be free to do so. For example, in 1948 Peru had voluntarily invited an expert committee to conduct an investigation into coca chewing. That was a specific instance of government co-operation.

Dr. MABILEAU (France) agreed with the representative of the United Kingdom that it would be better to delete paragraph 1 (e).

Mr. RAJ (India) said that the provision concerning a local inquiry was identical with article 11, paragraph 1 (d), of the 1953 Protocol. Such an inquiry could only be carried out with the agreement of the government concerned and in collaboration with officials designated by that government. A number of delegations were nevertheless opposed to the procedure because they believed that it conflicted with the principle of national sovereignty. The provision as drafted was not likely to be applied in practice, since any government opposed to its inclusion would never consent to a local inquiry conducted by the Board, and the desirability of its retention should be examined by an *ad hoc* committee.

With regard to paragraph 2, he supported the United Kingdom representative's view that these provisions, too, should be referred to an *ad hoc* committee. They contained important stipulations concerning the action to be taken by the Board in the event of the substantial failure of a State to carry out the provisions of the Convention. He felt that the approach to the Council should be made through the Narcotics Commission.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said that, as did other delegations, his own opposed the idea of giving the Board the power to institute a local inquiry. Such a provision constituted a violation of the sovereign rights of States and should therefore be deleted.

The PRESIDENT asked the Conference to decide whether a vote should be taken on paragraph 1 (e).

It was decided by 21 votes to 3, with 23 abstentions, that a vote should be taken on the provision.

It was decided by 27 votes to 10, with 14 abstentions, to delete paragraph 1 (e).

Paragraphs 3 and 4

Mr. GREEN (United Kingdom) said that the paragraph should be referred to an *ad hoc* committee for further study.

Mr. De BAGGIO (United States of America) thought that it might be better to take a vote first on the inclusion of a provision concerning a mandatory embargo before deciding on the inclusion of one concerning a recommendatory embargo.

Mr. MAURTUA (Peru) said that the term "substantially" in paragraph 3 (a) was too vague. With regard to paragraph 4 (b) (ii) he said that there was some

confusion of the Secretary-General's powers with those of the International Court of Justice. The embargo contemplated was in effect a sanction which could only be applied by a competent organ of the United Nations. The appeal procedure proposed brought to mind the insurmountable difficulties which had arisen in connexion with the establishment of arbitral tribunals by the International Court of Justice. It seemed wrong to vest the power of decision in the Secretary-General who had no judicial authority. Such a procedure would impair the impartiality of the Secretary-General with regard to the sovereign equality of States. Furthermore, some States had not ratified the Statute of the International Court of Justice or did not recognize the Court's jurisdiction.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the provisions relating to a mandatory embargo and appeal should be deleted. He supported the view that, irrespective of the result of the voting on the inclusion of a mandatory embargo, paragraph 3 should be referred to an *ad hoc* committee for re-drafting.

Mr. RAJ (India) said that, so far as was known, the Board had never had recourse to a mandatory embargo; and, in view of the opposition, it was not worth retaining a provision which might never be applied. By contrast, he thought that the automatic embargo on exports provided for in article 14, paragraph 2, of the 1931 Convention should appear in some form in the new convention, since it was not the intention of the Conference to weaken existing controls.

Mr. KRUYSSSE (Netherlands) supported the view that the principle of a recommendatory embargo should be retained because the new convention would take the place of all the existing instruments. The provision concerning a recommendatory embargo, an important feature of the 1925 Convention, would encourage governmental authorities to apply the provisions of the Convention carefully and would give strength and authority to the Board in carrying out its functions. He felt that the matter should be discussed by an *ad hoc* committee before being put to a vote.

Mr. ADJEPONG (Ghana) said that it was understandable that each State wished to maintain its sovereign status; paragraphs 3 and 4 should, therefore, be redrafted with that consideration in mind. The Convention could be made acceptable to all States without infringing their hard-won sovereignty.

Dr. MABILEAU (France) said that France was one of the countries which had ratified the 1953 Protocol. However, in a spirit of co-operation, his delegation would not oppose the exclusion of a mandatory embargo if the majority so wished.

Mr. BITTENCOURT (Brazil) said that his country had ratified all the conventions concerning narcotic drugs. In his view, the new convention should contain some provision regarding an effective and realistic form of embargo. An *ad hoc* committee should be asked to draft a generally acceptable provision.

Mr. KOCH (Denmark) said that his government had ratified the 1953 Protocol, which made provision

for a mandatory embargo. It had accepted the relevant clause in a spirit of international co-operation and conciliation. His delegation was, however, strongly opposed to the inclusion of such a provision in the new convention, especially as the 1953 Protocol related only to opium whereas the new instrument would apply to all narcotic drugs.

The PRESIDENT invited the Conference to vote on the provisions concerning a mandatory embargo and appeal (paragraph 4).

It was decided by 41 votes to 3, with 3 abstentions, not to include those provisions.

After a procedural discussion, the PRESIDENT suggested that paragraphs 1 except sub-paragraph (e), 2, 3, 5, 6, 7 and 8 should be referred to an *ad hoc* committee composed of the representatives of Australia, Bulgaria, the Byelorussian Soviet Socialist Republic, Cambodia, Canada, China, the Republic of the Congo (Leopoldville), Czechoslovakia, Dahomey, Denmark, Finland, France, the Federal Republic of Germany, Ghana, Hungary, India, Iran, Israel, Japan, the Republic of Korea, Liberia, Mexico, Morocco, the Netherlands, New Zealand, Poland, Sweden, Switzerland, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

It was so agreed.

Article 5 (The international control organs)

Article 6 (Expenses of the international control organs)

Article 7 (Constitutional position and continuity of functions of the Commission)

Article 8 (Privileges and immunities of members of the Commission)

Article 9 (Committees of the Commission)

Article 10 (Decisions and recommendations of the Commission)

Article 11 (Functions of the Commission)

The PRESIDENT invited debate on the above group of articles.

Mr. De BAGGIO (United States of America) considered that it was inappropriate to include in such a convention provisions for the establishment of a functional commission of the United Nations, for that could properly be done only by the Economic and Social Council, in accordance with the United Nations Charter. Preferably, the functions to be vested in the proposed new commission should be entrusted to the existing Commission on Narcotic Drugs. Nor was it permissible, through the Convention alone, to change the name of that commission—that again could only be done by the Economic and Social Council. His delegation therefore intended to propose the deletion of articles 7, 9 and 10, and paragraph (i) of article 11. It would also propose the deletion of article 8, as being outside the scope of the Convention, and intended to suggest certain amendments to articles 5, 6 and 11.

Mr. GREEN (United Kingdom) agreed substantially with the remarks of the United States represen-

tative; he, too, believed that articles 7, 8, 9 and 11 (i) should be deleted.

Mr. RODIONOV (Union of Soviet Socialist Republics) agreed with the previous speakers and fully supported their suggestions.

Mr. KRUYSSSE (Netherlands) also supported the previous speakers. There was no need to set up a separate commission under the Convention; the Commission concerned with narcotic drugs control should remain a functional commission of the Economic and Social Council. Article 8 was unnecessary, because the matter of privileges and immunities was already covered by the Convention on the Privileges and Immunities of the United Nations. He agreed that article 11 (j) should also be deleted. If, however, provisions for a commission were to be retained in the Convention, the commission should not be authorized, as was done in article 9, to set up a sub-committee to discharge any of its functions, particularly in cases where its decisions would become binding on parties.

Dr. MABILEAU (France) associated his delegation with the remarks of the representatives of the United States, the United Kingdom, the Union of Soviet Socialist Republics and the Netherlands. The Conference should not, through the Convention, set up a new functional commission, nor should it change the name of the existing commission. The proposed deletions would certainly simplify the Convention, but they should perhaps be examined point by point. With regard to article 8, however, he felt that there was already general agreement that it should be deleted.

Mr. NIKOLIC (Yugoslavia) associated his delegation in principle with the views of the delegations of the United States, the United Kingdom and the Soviet Union.

Mr. LIANG (China) likewise supported the remarks of previous speakers on the articles in question. Article 8 should be deleted as superfluous. There was no need to set up a new commission; the existing functional commission of the Council should remain, and its name should not be changed. The Commission would, he noted, under rule 71 of the rules of procedure of the Economic and Social Council, have to discharge functions other than those flowing from the Convention; that fact should perhaps be recognized in article 11. With regard to other parts of that article, he doubted whether it would be proper to empower the Commission to adopt amendments to the Convention. His delegation was in favour of the deletion of articles 7, 8, 9 and 10.

Mr. GREGORIADES (Greece) associated his delegation with the views expressed on the group of articles. He drew attention to the footnote to article 9, which he fully endorsed. His delegation also agreed with the delegations of Mexico, Turkey, the Soviet Union and Yugoslavia on the deletion of article 11, paragraph (b) (iii), footnote 12.

Mr. ACBA (Turkey) said that his delegation also was in favour of the deletion of article 9.

Mr. WARREN (Australia) agreed with the views expressed by the representatives of the United Kingdom, the United States, the Soviet Union and others, in particular with regard to articles 7, 8 and 9.

Mr. TABIBI (Afghanistan) fully supported the proposed deletion of articles which duplicated the authority of the Economic and Social Council with regard to the setting up of functional commissions. At the same time, the Council should perhaps be given assistance, through resolutions of the Conference, in improving the existing Commission. The Conference was attended by experts who were well qualified to advise the Council on any changes which might be necessary in, say, the membership, scope of work and functions of the Commission in consequence of the adoption of the Single Convention.

Mr. KIDWAI (India) asked for clarification regarding the constitutional position of the functional commission dealing with narcotic drugs control, whether or not the relevant articles were retained in the draft Convention. Even if the existing Commission remained in being, it was clear, as Mr. Narasimhan had stated at the first plenary meeting that its position would be somewhat changed, since it would have a dual source of authority and a dual set of functions. His delegation was very anxious that there should be continuity in the work of the Commission and, more particularly, that a major part should be played in that work by the main drug producing and manufacturing countries. India was the largest opium-producing country in the world and had been a member of the Commission on Narcotic Drugs from the outset; it had specifically been mentioned as one of the permanent members of the Commission in resolution 199 (VIII) of the Economic and Social Council. His delegation felt very strongly that the present Conference should, as it was eminently fitted to do, either write the constitution of the Commission into the Convention or specifically confirm the present position. The Conference should also confirm the present composition of the Commission and should not leave the matter to the decision of the Council. He agreed with the representative of Afghanistan that the Conference consisting of all Member States of the United Nations and the specialized agencies was more eminently fitted to write the constitution of the Commission than any other body of the United Nations under the General Assembly. His delegation had no objection to the enlargement of the Commission, if that was desired by the majority. Paragraph 2 of article 7 of the draft seemed, on the whole, unexceptionable. If paragraph 1 of that article were retained, however, he would suggest that it should read: "The Commission shall continue to be a functional Commission of the Council with its present system of permanent representation." That would make the position clear beyond any doubt and would entirely satisfy his delegation.

Mr. KOCH (Denmark) associated his delegation in general with the remarks of previous speakers who had proposed the deletion of a number of provisions from the draft Convention. Since, however, the existing

functional commission would be invested with certain powers regarding the substantial obligations of parties, it might be advisable, as the representative of Afghanistan had suggested, to adopt certain formal resolutions for the guidance of the Economic and Social Council. There were, however, in any case, certain provisions in the articles to be deleted which should stand in the Convention. One example was article 10, paragraph 2: it would be necessary to specify at what point in time a decision of the Commission came into force and became binding on the parties. In fact, that provision should be made much clearer. Again, with regard to appeals against decisions of the Commission, it might be necessary to include a special provision in the Convention. He would be glad to have the views of the Executive Secretary on the consequences of the deletion of article 10.

Mr. YATES (Executive Secretary of the Conference) said that it was his understanding that, with regard to the treaty functions of the Commission, there would be no review by the Council unless that were specifically provided for in the Convention. The Charter functions of the Commission, on the other hand, were subject to automatic review since the Commission was required to report to the Council, and the Council, in turn, to the General Assembly.

Mr. PRAWIROSOEJANTO (Indonesia) recognized that the Commission on Narcotic Drugs would in the future have a dual role owing to the functions that would devolve upon it with respect to the enforcement of the Single Convention. In order, however, that the Commission should be able to carry out its enforcement function effectively, the Convention should contain adequate stipulations regarding the Commission's composition, functions and procedures. That might create some legal and constitutional problems, but the Conference should try to solve them, for the Commission's most important work would undoubtedly be in relation to the Convention. His delegation was in favour of an increase in the membership of the Commission corresponding to the increase in the membership of the United Nations, provided, of course, that it remained workable in size. It also believed that the Convention should ensure adequate geographical representation in the composition both of the Commission and of the Board, and that no two members of the Board were of the same nationality.

Sir Harry GREENFIELD (President, Permanent Central Opium Board) said he was considerably alarmed to note that many delegations assumed that the Permanent Central Opium Board was a mere technical subsidiary of the Commission on Narcotic Drugs. He would draw attention to document E/CONF.34/8—written by Professor Reuter, a member of the Board and an eminent international lawyer—which sought to arrest the spread of that notion, for it could seriously undermine the status of the future board. The independence of the Board was one of its most precious attributes, and should be safeguarded at all costs.

The meeting rose at 1.5 p.m.

TWENTIETH PLENARY MEETING

Monday, 20 February 1961, at 10.40 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 5 (The international control organs) (continued)

Article 6 (Expenses of the international control organs) (continued)

Article 7 (Constitutional position and continuity of functions of the Commission) (continued)

Article 8 (Privileges and immunities of members of the Commission) (continued)

Article 9 (Committees of the Commission) (continued)

Article 10 (Decisions and recommendations of the Commission) (continued)

Article 11 (Functions of the Commission) (continued)

The PRESIDENT invited the Conference to continue its debate on the above group of articles.

Mr. GREEN (United Kingdom) said that article 10 should be studied in greater detail by the *ad hoc* committee; his delegation still had doubts regarding the article, which might be interpreted either as conferring new rights on the Council, or, on the other hand, as limiting its powers. If, however, it was thought desirable to stipulate that the decisions and recommendations of the Commission under the Convention should be reviewed by the Council, the article should be redrafted more clearly.

Mr. ACBA (Turkey), referring to article 7, said that the proposed International Narcotics Commission would be set up under article 5 of the Single Convention, and its functions would be defined in article 11. Its constitutional position should therefore be specifically defined in the Convention itself, and article 7 should contain clear-cut provisions regarding its establishment, structure and composition.

Article 9 took insufficient account of the scope of the future commission's functions. The important powers conferred on it would have far-reaching implications and would directly affect the parties. With regard to article 11 (a), there was no doubt that from a legal point of view, it was desirable that the schedules, which would form an integral part of the Convention and would determine the control applicable to a particular drug, should be capable of amendment only by a plenipotentiary conference. It had been decided to give the Commission the power, under certain conditions, to determine the contents of the schedules in order to provide a more flexible procedure for their adaptation to the changes resulting from the continual appearance of new drugs on the world market. But that power went somewhat beyond the normal attributes of a functional commission of the Economic and Social Council. It was therefore a power which could be exer-

cised only by the Commission itself and could not in any circumstances be delegated to a smaller committee, even if composed of members of the Commission. The same considerations applied to sub-paragraph (b) and, indeed, to all the provisions of article 11. A committee might be set up temporarily to assist the Commission, but it should never take decisions on the Commission's behalf or to exercise the latter's powers.

The Turkish delegation therefore proposed the deletion of article 9. It would submit an amendment to article 11 providing for the establishment by the Commission of a committee with purely advisory functions.

Finally, his delegation considered that, in article 11 (j), the words "in the field of drugs and" should be added after the word "functions", and that sub-paragraph (b) (iii), which conferred on the Commission powers outside its sphere of competence, should be deleted.

Mr. De BAGGIO (United States of America) withdrew his proposal for the deletion of article 10. His delegation reserved the right to comment further on that article during its consideration by the *ad hoc* committee.

Mr. NIKOLIC (Yugoslavia) also considered that, since the Commission would be a functional commission of the Council, articles 8 and 9 were superfluous.

Article 7 should be amended so as to lay down the principle that the Commission's membership should include a certain proportion of producing countries, manufacturing countries, and consuming countries in which addiction presented a serious problem.

Mr. RABASA (Mexico) said he was in favour of the new title proposed for the Commission in article 5 (a). Article 7 should be retained, since the Commission, in view of its importance, should—like the Board—have its constitutional basis in the Convention.

Article 8 was out of place in the Convention. Article 9 should be re-examined by the *ad hoc* committee. Article 10 should be retained, since it was necessary to provide for a procedure under which the Economic and Social Council and the General Assembly could, if necessary, review the Commission's decisions and recommendations. Article 11 should also be retained, but should be revised by the drafting committee; in particular, his delegation was completely opposed to the provisions of sub-paragraph (b) (iii), since the Commission was not competent to take decision in matters for which established procedures existed in both international and constitutional law.

With regard to article 11 (j), he suggested that it would perhaps be best to leave it to the *ad hoc* committee to decide whether or not that general clause should be retained, after it had examined the article as a whole.

Mr. ASLAM (Pakistan) did not think that article 7 should be deleted: since the Convention set out the Commission's functions in detail, there was no reason why it should not also define its constitutional position. He did not see what legal objections could be raised to that procedure. In the light of the opinion given by the Legal Office (footnote 10) he agreed that there

was no need to retain article 8. Article 9 should also be deleted: as the Turkish representative had said, only the Commission could exercise the powers which were conferred on it. Article 10 should be retained: its wording might be altered but the substance must be preserved. Article 11, which defined the Commission's functions, was also necessary. A decision on sub-paragraph (b) (iii) could be postponed until the Conference had considered article 54, to which the sub-paragraph referred.

Mr. DANNER (Federal Republic of Germany) said that article 7 as drafted appeared to suggest that only States Members of the United Nations could be members of the Commission. His delegation thought that the Convention should provide for the possibility of parties which were not Members of the United Nations being elected as members of the Commission.

With regard to article 10, he was not sure what decisions the article referred to. Article 4, paragraph 2 (e), spoke of "decisions" which were "binding upon" parties. If those decisions were meant, the drafting committee could doubtless bring the drafting of the two articles into line.

He considered that article 11 (j) should be deleted.

Mr. GRINBERG (Bulgaria) said that the commission to be set up under the Single Convention should not be a new commission, distinct from that established by the United Nations. When the time came, the *ad hoc* committee should revise the relevant provisions of the draft with that point in mind. His delegation considered the provisions of sub-paragraph (b) (iii) of article 11 to be unacceptable: the Commission could not amend the Convention. Nor could his delegation accept sub-paragraph (i), which was discriminatory in character: it was wrong to exclude States from participation in the Conference and from accession to the Convention and then request them to carry out decisions adopted in pursuance of the Convention.

Mr. KIDWAI (India) said that the discussion had made it clear that the provisions of article 7, paragraph 1, should be drafted in more explicit language. It was for the Conference itself to define the Commission's status.

The provisions of article 9 had no basis in the existing texts. They would mean that a committee, composed of one or two members, could perform any function delegated to it by the Commission. In fact, the functions of such a committee should be purely advisory. He too, therefore, considered that the article should be deleted.

With regard to article 8, he said that either the privileges and immunities in question could be spelt out, or a reference could be made to the United Nations Convention on Privileges and immunities, or else the article could be omitted altogether. His delegation was in favour of the third course: the privileges and immunities specified in the United Nations Convention would be applicable automatically.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said that the Commission on Narcotic Drugs,

a functional commission of the Economic and Social Council set up by the United Nations, should retain its existing title and not assume the title given in article 5 (a). He hoped that the drafting committee would note that comment.

The PRESIDENT invited the representative of the Office of Legal Affairs to comment on the questions raised by a number of representatives.

Mr. WATTLES (Secretariat), replying to the question to what extent the Conference could confer powers on a functional commission of the Economic and Social Council, said that the Conference could not, of course, bind the Council. But the provisions of the Convention would be submitted to the Council for its approval. If the Council accepted them, there would be no further problem.

As to the Council's review of decisions taken by the Commission under the Convention, he said that if the Conference wished the Council to review those decisions, the Convention would have to say so expressly.

The PRESIDENT suggested that the Conference should vote on the clauses whose deletion had been proposed.

Mr. GREEN (United Kingdom) suggested that the Conference should dispose of articles 8 and 9, on which most delegations seemed to be in agreement, and should refer article 7 to the *ad hoc* committee.

Mr. KIDWAI (India) and Mr. ACBA (Turkey) supported the suggestion.

The PRESIDENT put to the vote the proposal that articles 8 and 9 should be deleted.

The proposal that articles 8 and 9 should be deleted was adopted by 43 votes to none, with 5 abstentions.

The PRESIDENT suggested that articles 7, 10 and 11 should be referred to the *ad hoc* committee, and articles 5 and 6 directly to the drafting committee.

It was so agreed.

Article 13 (Composition of the Board)

Article 14 (Terms of office of members of the Board)

Article 15 (Privileges, immunities and remuneration of members of the Board)

Article 16 (Rules of procedure of the Board)

Article 17 (Delegation of authority of the Board)

Article 18 (Decisions of the Board)

Article 19 (Functions of the Board)

The PRESIDENT invited debate on the group of articles relating to the proposed International Narcotics Control Board.

Mr. GREEN (United Kingdom) said that, so far as the composition of the Board was concerned (article 13), it was most important that the members should have the highest qualifications. To lay down too many other requirements, such as representation of producing, manufacturing and consuming countries, and geo-

graphical representation, would make it more difficult to find the best-qualified people.

Article 14, paragraph 4, should provide for a simple and not a three-fourths majority; it was not for the Conference to dictate how the Council should vote. In article 15, paragraphs 1 and 2 should be deleted in keeping with the decision taken on article 8.

As for article 17, the long footnote made the difficulties that might ensue abundantly clear. The article empowered the Board to delegate its authority. However, if that power were expressly granted, it would be necessary to specify what functions the Board could delegate, and that would be very difficult. He considered that the Board should be given a free hand in the matter, without a specific provision in the Convention, and therefore favoured the deletion of article 17. It was not clear from article 18 what decisions were referred to. That article too might be deleted, since there were separate provisions governing the application of decisions which affected the parties. Article 19 should be revised in the light of the changes made in other articles and also with a view to improving the text.

Mr. ACBA (Turkey), introducing an amendment to article 13, paragraph 4, sponsored jointly by India and Turkey (E/CONF.34/L.7), said that all States could be classified primarily as producers, manufacturers or consumers of narcotics. Any other classification was unacceptable. Some countries had proposed geographical distribution as a valid criterion for board membership, but purely geographical considerations would bring political influences into play, for the word "geographical" undoubtedly had geopolitical connotations. However, political considerations should not enter into questions affecting narcotics. Turkey had always been in favour of equitable geographical distribution in the membership of United Nations organs dealing with political questions, but the membership of bodies dealing with narcotics should be determined primarily by the existing situation and by any changes that occurred, geographical distribution being a secondary consideration; the principle of geographical distribution was provided for in the second paragraph of the amendment. The amendment made no innovations; it merely spelt out the idea vaguely formulated in article 13, paragraph 4.

As for article 17, the Turkish view was clearly stated in the footnote to the article.

Mr. YATES (Executive Secretary) pointed out that, for the purposes of giving effect to the corresponding provisions of the existing Convention, the Economic and Social Council had considered it necessary to establish a committee on candidatures. It would be very difficult to satisfy all the requirements laid down in the joint amendment; while the producing and manufacturing States were easy to identify, they and all other States were consuming countries, and there was thus some overlapping. Moreover, consideration should be given to the technical qualifications of members as well as to geographical distribution. The *ad hoc* committee might perhaps be able to find a solution to the problem.

Mr. ASLAM (Pakistan) supported the Indian and Turkish amendment in principle. He agreed with the United Kingdom representative that article 15 could be deleted. Article 16 should include a provision fixing a quorum for the adoption of important decisions. In article 17, the delegation of authority should be limited to normal secretariat matters. So far as article 18 was concerned, he said that parties should be allowed a certain period—sixty days at least—in which to consider decisions of the Board. Moreover, provision might be made, along the lines of article 10, for a procedure for reviewing decisions of the Board.

Mr. BANERJI (India) explained that the sponsors of the joint amendment had not intended to tie the hands of the Council, but only to draw its attention to desirable criteria. If the Council favoured the idea in principle, the wording could be left to the drafting committee.

As for article 14, he thought that the question of the dismissal of members could be dealt with by the *ad hoc* committee. He agreed with other delegations that article 15 could be deleted, and the same was true of article 17. Article 18, too, might be deleted, but if the Conference decided in favour of its retention, provision should be included for a time interval, as suggested by the representative of Pakistan.

Mr. De BAGGIO (United States of America) said he would comment on articles 13, 14 and 17 at a later stage. Article 15 could be deleted. In article 19, the enumeration of the Board's functions might be replaced by a general statement that the Board was empowered to exercise the functions laid down in the Convention and to make the necessary recommendations for that purpose.

Mr. WIECZOREK (Poland) said that article 14, paragraph 3, should include a provision establishing a quorum of six members. Moreover, the final text of the Convention would contain a number of important articles dealing with specific questions; it was too early to say what those articles would be, but a provision might be included specifying that decisions of the Board relating to those articles would have to be adopted by a two-thirds majority. Accordingly, article 16 should be amended by the addition of two provisions establishing a quorum and the majority required for decisions dealing with the important articles of the Convention. He would submit amendments along those lines to the *ad hoc* committee.

Mr. LANDE (Deputy Executive Secretary), replying to the observations of several delegations, said that the Secretariat did not regard article 18, which had been taken from the earlier drafts, as essential. The draft contained separate provisions governing the entry into force of important decisions of the Board affecting one party in particular—for example article 22, paragraph 4 (c) (i), on the mandatory embargo, and article 29, paragraph 4 (b), on the "automatic" embargo. The Board could make other important decisions, but the exact moment of their entry into force did not

seem of great significance if relations between the Board and the parties were based on good faith.

Dr. MABILEAU (France) said that the selection of the Board's members would be a difficult matter, because of the very varied and complex qualifications expected of them. They had to be competent, impartial and disinterested, nationals of producing, manufacturing or consuming countries, and had to fulfil certain "geographical" conditions. Of all those attributes, he regarded the personal qualities as the most important. In article 13, paragraph 1 (a), it did not seem necessary to mention pharmacological experience; he would, however, raise the matter again in the *ad hoc* committee. In article 14, paragraph 4, there was no great advantage in changing the normal voting rules. Article 15 was unnecessary: a reference to the Convention on the privileges and immunities of the United Nations would suffice. That article 17 raised problems was evident from the long footnote. The list contained in that footnote might be useful, but a simpler wording would suffice, if the Board could be trusted. Article 19 should be in the form of a short clause, as the United States representative had proposed, since there was a danger that the list of functions might not be complete.

Mr. JOHNSON (Liberia) said that his delegation attached great importance to geographical representation, which should be one of the basic conditions governing the selection of members of the Board.

Mr. MAURTUA (Peru) suggested that article 13, paragraph 1 (a), in its provision for the WHO list, should refer to five persons instead of three. Sub-paragraph (b) should take geographical representation into account, since that factor was becoming more and more important as the membership of the United Nations grew. The Board's membership should, if necessary, be expanded. Paragraph 4 introduced a new consideration which might conflict with the interests of States, in that the persons mentioned in it might become as important as the elected members and might represent political interests. What influence could they have on the Board's decisions, since in any case paragraph 2 of the same article did not give observers the right to vote. Nor did the text make it clear how they would be "connected" with the countries. Their impartiality might depend on whether they were or were not nationals of the country they represented.

Mr. ACBA (Turkey) did not think that the joint amendment would make it harder to nominate members of the Board, as certain delegations and the Executive Secretary seemed to fear. Competence and impartiality would, naturally, be essential conditions. Producing, manufacturing and consuming countries would be distinguished by the primary character of each; and consideration was to be given to equitable geographical representation only "as far as possible".

Mr. CURRAN (Canada) thought that geographical representation should naturally be taken into account, but that personal qualities were the first consideration, by reason of the Board's important functions. By their competence, members would also be serving the interests

of States. It had been suggested that the Board should include three representatives of producing countries. It should be made clear which products were concerned. And, since all countries were consuming countries, it was not fair that only one consuming country should be represented on the Board.

Mr. CAIMEROM MEASKETH (Cambodia) urged that the selection of members of the Board should be based on equitable geographical representation. Under the Charter, that was a fundamental consideration in the composition of the organs of the United Nations. In the case of bodies concerned with narcotic drugs, it was justified from the standpoints both of production and of distribution; all the States, being either producers or consumers, were interested in control.

Article 14, paragraph 4, seemed incompatible with Article 67 of the Charter, which provided that decisions of the Economic and Social Council should be taken by simple majority. However, since the dismissal of members was involved, a stricter procedure was necessary and the paragraph in question should remain unamended.

Mr. LIANG (China) agreed with the United Kingdom representative that the members of the Board should be chosen mainly for their competence and experience; but article 13 should also mention the need for equitable geographical representation on the Board. It was not merely a political question, because illicit traffic created problems in many countries situated in different parts of the world. The Council should not be subjected to unduly strict rules in its choice of members of the Board. For that reason the Chinese delegation would prefer to maintain the existing text of article 13, paragraph 4, and would abstain in the vote on the amendment submitted by India and Turkey. The Chinese delegation, like many others, did not approve of the provision in article 14, paragraph 4. With regard to article 15, the question was whether the Board would be an organ of the United Nations; if it were not, the Convention should contain an article dealing with the privileges and immunities of its members.

Mr. NIKOLIC (Yugoslavia) said that, according to article 13, paragraph 1 (a), the Council would choose two members from a list of three persons. The Council's choice would therefore be very limited, and it would be better to provide for a larger number of nominees. With regard to article 13, paragraph 1 (b), he said the number of persons to be nominated by each government should be specified. For vacancies on some organs, each government proposed two of its own nationals and two nationals of another country. The Convention might follow that practice and specify the number of persons which each country might propose. In principle the Yugoslav delegation would support the amendment to article 13 submitted by India and Turkey, which took into account the need to give consideration to equitable geographical distribution.

The Yugoslav delegation also agreed that articles 15 and 17 should be deleted. Like the United Kingdom representative, it did not understand to which decisions article 18 referred, and thought that the latter article could be deleted.

Mr. KRUYSSSE (Netherlands) agreed with the United Kingdom representative that members of the Board should, above all, have very wide knowledge of all questions relating to narcotic drugs. As it was difficult to find such persons, representatives should not make the Council's task harder by imposing, in article 13, paragraphs 3 and 4, unduly strict conditions on it.

In connexion with article 14, paragraph 4, he said it seemed difficult to amend the rules of procedure of the Economic and Social Council and to require a three-fourths majority of the Council for the dismissal of a member of the International Narcotics Control Board. It would probably be best to amend the paragraph so as to provide that the Council might dismiss members of the Board by a simple majority decision, on a recommendation adopted by a three-fourths majority of the Board. Article 15, paragraphs 1 and 2, could be deleted.

In connexion with article 17, he said that decisions binding the contracting parties should be taken by the Board itself. The Board should not be given the right to authorize either a committee composed of one or more of its members, or its secretary, to take decisions which might have important consequences for one or more parties to the Convention. That provision thus seemed superfluous, and could be deleted.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the selection of the members of the Board should be based on technical competence and on the principle of equitable geographical representation. Those two equally important conditions, which were not incompatible, could easily be stipulated in article 13. The Council should have no difficulty in finding, in the different continents, nine persons fulfilling both. His delegation agreed that article 14, paragraph 4, should be in line with the Council's rules of procedure and should provide for a simple (not a three-fourths) majority.

He agreed that article 17 could be deleted. Article 19, which set out the functions of the Board, raised some serious questions which could hardly be discussed as yet because the Board's functions had not yet been specified in detail; his delegation reserved the right to revert to the question at greater length. For instance, he could by no means subscribe to article 19 (d). It was true that that provision had been included in the earlier conventions; but whereas those conventions had been open to all countries, article 48 of the draft Single convention contained a provision under which certain countries could be deprived of the right to become parties to that convention even if they wished to join it, and that provision affected some countries which were traditional producers of opium for export. The Single Convention could only become a useful instrument for checking the illicit traffic if its provisions were applied universally, if all countries which so wished could become parties to it.

Mr. VERTES (Hungary) agreed with the representatives who thought that article 13 should mention the need for equitable geographical representation in the Board's composition, as well as the qualifications

required of members of the Board. Article 17 might well be deleted. If, however, that article were retained, the members who would be entrusted with certain functions should not be allowed to take decisions regarding matters which the Board had already settled. A sentence on the following lines should therefore be inserted: "Members to whom such authority has been delegated shall not be entitled to amend decisions previously taken by the Board itself."

Mr. BITTENCOURT (Brazil) said that as the Board was primarily a technical body, its members should possess the highest qualifications. That was especially necessary in the case of the two members mentioned in paragraph 1 (a) of article 13, for the other seven would be selected from a list of persons nominated by the Members of the United Nations and by parties not members of the United Nations. The Council would certainly have no difficulty in applying the principle of geographical distribution in electing the seven members. It would not, however, seem sufficient to stipulate that the two members mentioned in paragraph (a) should have medical, pharmacological or pharmaceutical experience. Since a high technical competence was required, they should also have the requisite university diplomas. Article 14, paragraph 4, should be amended so as to provide for a simple majority, in conformity with article 67 of the Charter, under which decisions of the Economic and Social Council were made by a majority of the members present and voting, but in cases of dismissals of members of the Board, the Council should act on a recommendation of a three-fourths majority of the Board. He was in favour of deleting article 15.

Mr. GRINBERG (Bulgaria) said that article 13 should take into account the principle of equitable geographical distribution. The principle was universally recognized, and its omission from the Convention would constitute a retrograde step. It should not be difficult to find from different regions of the world persons with the requisite qualifications. The *ad hoc* committee should therefore mention the principle in article 13.

His delegation supported Poland's proposal that article 14 should contain a provision indicating the quorum required for a board decision, possibly of six members. His delegation further agreed with that of Poland that all important decisions should be taken by a two-thirds majority of all the members of the Board.

Mr. GREGORIADES (Greece) said his delegation agreed with those mentioned in footnote 15 to article 13, paragraph 3, that it would be preferable to use the words "in consultation", as the drafting committee had proposed. With regard to article 13, paragraph 4, he supported the amendment submitted by India and Turkey. He drew attention to the comments submitted by Mr. May regarding the necessary qualifications for members of the Board (footnote 16). When electing the members of the Board the Council should bear in mind both the nationality of the candidates and their personal capabilities, because there was frequently a direct connexion between the candidates' nationalities and their personal qualifications.

He shared the view of the delegations recorded in footnote 17: a greater majority than a simple majority was needed for the dismissal of a member of the Board. The simplest method would probably be to provide that the Council could dismiss members of the Board by a simple majority decision in accordance with Article 67 of the Charter, acting on a recommendation of a three-fourths majority of the Board.

Mr. TABIBI (Afghanistan), referring to the composition of the Board, said that the Control Board set up under the 1925 Convention was composed of eight members. But the number of Members in the United Nations had considerably increased. In order to take that increase into account, the number of members of the Board could be increased to thirteen. He supported the comments of the Yugoslav representative regarding article 13. WHO would certainly have no difficulty in nominating more than three persons, and that would facilitate the Council's task. Article 13, paragraph 1 (b), should be amended if his proposal for the increase of the Board's membership was accepted. In his view it was essential to mention in article 13 the principle of equitable geographical distribution. The Council, which was responsible for electing the Board members, was composed mainly of European countries. It was therefore important to safeguard the interests of Asian and African countries.

His delegation would support the amendment submitted by India and Turkey, if it was amended to conform to his own amendment (should it be adopted) for an increase in the membership of the Board.

With regard to article 14, he thought that the term of office of members of the Board should be reduced from five years to four. Since the term of office could be renewed, it would be difficult for some countries to become members of that body if the term of office was too long. Article 14, paragraph 3 (a), provided that a member of the Board would be deemed to have resigned if he had failed to attend "four sessions" of the Board during his term of office. It would be better to say "three sessions", as it would seem intolerable that a member could remain absent for four sessions of so small a body. In view of the composition of the Council, it seemed surprising that it should be given the right to dismiss a member of the Board. In order to remedy that anomaly, it would be necessary, either to insert in paragraph 4 of the same article the words "subject to the agreement of the General Assembly", or to establish, for the qualities required of candidates, standards so strict that in practice no question of dismissal would arise; in the latter case, the clause in question could be deleted.

With regard to article 15, he said it might be possible to adopt the procedure applicable to the International Law Commission, whose members acted not as representatives of governments but as experts. In the matter of the nomination of candidates it might likewise be possible to follow that Commission's practice, under which each government could nominate several candidates, who could be nationals either of its own country

or of other countries. In that way it would be easier for the Council to find qualified persons.

The meeting rose at 1.10 p.m.

TWENTY-FIRST PLENARY MEETING

Monday, 20 February 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

- Article 13 (Composition of the Board) (continued)
- Article 14 (Terms of office of members of the Board) (continued)
- Article 15 (Privileges, immunities and remuneration of members of the Board) (continued)
- Article 16 (Rules of procedure of the Board) (continued)
- Article 17 (Delegation of authority of the Board) (continued)
- Article 18 (Decisions of the Board) (continued)
- Article 19 (Functions of the Board) (continued)

The PRESIDENT invited the Conference to continue its debate on the group of articles relating to the Board and on the amendment submitted jointly by India and Turkey to article 13 (E/CONF.34/L.7).

Mr. ISMAIL (United Arab Republic), referring to article 13, paragraph 1 (a), said that, by reason of the nature of its functions, the Board should have at least two members with medical, pharmacological or pharmaceutical experience. He supported the amendment to paragraph 4 of that article submitted by India and Turkey, and particularly the second paragraph of the amendment which concerned geographical representation.

With regard to article 15, his delegation favoured the deletion of paragraphs 1 and 2, but not of paragraph 3. He also agreed with those delegations which had proposed the deletion of article 17.

Mr. LIMB (Republic of Korea) said that, without prejudice to the principle that members of the Board must be technically qualified, he was in favour of including a reference to the desirability of equitable geographical representation in article 13. There appeared to be general agreement on that point and he suggested that the drafting committee should be asked to take it into account. As the representative of the Federal Republic of Germany had said at the previous meeting in connexion with the Commission, persons belonging to States which were not Members of the United Nations but were parties to the Convention should be eligible for election both to the Commission and to the Board.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) agreed with other delegations that articles 15, 17 and 18 should be deleted, as being unnecessary.

His delegation welcomed the amendment to article 14 submitted orally by the Polish representative at the previous meeting; that amendment would fill a gap in the provisions relating to the Board's procedure.

With regard to article 13, paragraph 2, he said it was a generally recognized procedure that a representative on one body should be authorized to attend the meetings of another body as an observer when the fields of interest of the two bodies were related. It was, however, possible that the Board might consider a question of particular interest to a State or States represented on the Commission, and he would like to suggest that the provision should be interpreted as authorizing the representative of any member of the Commission to attend the sessions of the Board as an observer if he so wished. Such a procedure might assist the Board in reaching a sound decision.

Mrs. CAMPOMANES (Philippines) proposed that the minimum number of persons to be nominated by WHO under article 13, paragraph 1(a), should be increased from three to four in order to give the Council a wider choice. In the selection of members of the Board, the prime consideration should be the personal qualifications set out in paragraph 3, but equitable geographical representation was also important, and her delegation therefore supported the second paragraph of the amendment submitted by India and Turkey. In paragraph 4, she proposed that the qualifications prescribed should include "a knowledge of the international conventions and their operation".

In view of the earlier decision to delete article 8, paragraphs 1 and 2 of article 15 could be similarly omitted.

Mr. AZARAKHSH (Iran) said that, as his delegation had pointed out during the preparation of the draft, in view of the increased membership of the United Nations it would be logical to enlarge the membership of the Commission and the Board correspondingly. He agreed with the French representative that it was difficult to define the precise qualifications required in the case of the members mentioned in article 13, paragraph 1(a), but WHO would be in a position to nominate specialists in the relevant fields.

With regard to article 13, paragraph 1(b), his delegation felt that since the Board was a technical organ, its members should be fully informed of the difficulties arising in different parts of the world in connexion with narcotics control. While equitable geographical representation was desirable, it was even more important that there should be members familiar with the particular problems arising in agricultural and manufacturing countries respectively, and also in countries where addiction was a major problem. He supported the amendment submitted by India and Turkey.

Miss VELISKOVA (Czechoslovakia) thought that a reference to the principle of equitable geographical representation should be included in article 13, as the

Board had an important part to play in the implementation of international control measures.

She supported the deletion of article 15, and endorsed the Polish suggestion that article 16 should lay down that a two-thirds majority was required for important decisions. She supported the suggestion that article 17 should be deleted, but in the event of its retention, would support the suggestion made by the Hungarian representative at the previous meeting.

Mr. RABASA (Mexico) said that, as was stated in the footnote to article 13, paragraph 1(b), his government was in favour of including in that paragraph a reference to the need for equitable geographical representation, since the Board would have political as well as technical functions. He was in favour of substituting the word "consultation" for the word "agreement" in the second sentence of paragraph 3. With regard to paragraph 4, he drew attention to the opinion of his government as set out in the footnote to the draft; he also supported the views expressed by the Peruvian representative at the previous meeting with regard to the inclusion on the Board of persons representing States.

His delegation adhered to the view expressed in the footnote to article 14, paragraph 4; a three-fourths majority might be required for a recommendation by the Board but not for a decision by the Council.

Where article 15 was concerned, he agreed with many delegations that it was unnecessary for the Convention to contain provisions regarding the privileges, immunities and remuneration of the members of the Board.

With regard to article 17, it seemed to him that if none of the functions enumerated in the footnote to that article could be delegated, the exceptions would in fact constitute the general rule. He supported the view that the article was unnecessary and would be too complicated to administer.

The *ad hoc* committee might give some consideration to article 18. He supported the opinion expressed by the Indian representative at the previous meeting that if the article was retained, countries should be given a reasonable time in which to indicate their views after being notified of a decision by the Board. He agreed with the United States representative that article 19 should either be deleted or take the form of a general declaration.

In reply to a question from Mr. ADJEPONG (Ghana), Mr. LANDE (Deputy Executive Secretary) said that the second part of article 13, paragraph 4, beginning with the words "both in the producing and manufacturing countries" reproduced textually the second part of article 19, paragraph 4, of the 1925 Convention as amended. The term "producing" in the latter text had been understood to mean a country producing the main raw materials then used for the manufacture of narcotic drugs; in other words, opium and coca leaves. The term "producing" as used by the Commission on Narcotic Drugs had retained the technical meaning of "producing opium or coca leaves".

Mr. ADJEPONG (Ghana) said that in the light of the Deputy Executive Secretary's explanations, his delegation considered that the word "producing" should be retained. He agreed with the French representative that the word "pharmacological" in paragraph 1 (a) was unnecessary, and was in favour of including a reference to geographical representation in paragraph 1(b).

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) pointed out that there was some danger of confusion with regard to the discussion of article 15. Some delegations had suggested the deletion of paragraphs 1 and 2, concerning the privileges and immunities of the Board, in view of the deletion of article 8, which dealt with the privileges of members of the Commission. Other representatives, such as the Mexican representative, had advocated the deletion of the whole article. He hoped that when the matter was discussed in detail, or when the Conference took a decision, paragraph 3, which dealt with remuneration, would be considered separately from the other two paragraphs.

The Office of Legal Affairs discussed the effects of the deletion of paragraphs 1 and 2 of article 15 in the last paragraph of its comments on that article (E/CONF. 34/1). In the first paragraph of those comments, the office explained why it no longer felt it necessary to include a specific reference in the Single Convention to the Convention on the Privileges and Immunities of the United Nations, as it had suggested in its footnote to article 8 of the draft. Article IV of that convention applied to representatives and article VI to experts. He knew that the President of the PCOB considered it important to provide for the privileges and immunities of members of the Board, as their status would otherwise be reduced to that of experts. Economic and Social Council resolution 123 E (VI) recommended that governments should extend to members of the PCOB privileges and immunities on the lines laid down in the Convention on Privileges and Immunities, but did not define those privileges or specify whether board members were to be treated as experts on missions under article VI of the Convention. There was, however, no doubt that the Council had wished to emphasize the status of Board members, and it might be felt that the particular privileges to which they were entitled should be enunciated in the Single Convention.

Economic and Social Council resolution 123 D (VI), dealing with the remuneration of board members, stressed the importance of members being independent of their governments, and recommended that the question of their remuneration should be considered in the light of that fact. He merely wished to draw attention to the subject and to urge that the conditions of service on the Board should be such as to attract the best possible men. As the President of the PCOB had emphasized in his statement, the Conference was legislating for the future as well as for the present.

Mr. WATTLES (Office of Legal Affairs) said three courses of action were open to the Conference. It might adopt a brief, general provision like article 15, paragraph 1, of the third draft. But in the opinion of the Office of Legal Affairs, it was hardly worth while to

include a general provision which did not go much beyond article 105 (2) of the Charter. Alternatively, the Convention might make specific reference to article VI of the Convention on the Privileges and Immunities of the United Nations. The Economic and Social Council, in its resolution 123 E (VI), had recommended that governments should extend to the members of the PCOB privileges and immunities on the lines laid down in the Convention on Privileges and Immunities; the article of that convention which would be applicable to members of the Board would be article VI relating to experts on missions for the United Nations. That article would give Board members immunity from arrest, immunity from legal process, inviolability of papers and documents, the right to use codes and to receive correspondence by courier or in sealed bags, certain facilities in respect of currency or exchange restrictions, and immunities in respect of personal baggage. However, the salaries of Board members would not be exempt from national taxation. There were two possible solutions: either simply to allow members to pay taxes to their respective governments, or to reimburse them for such payments according to the procedure followed in the case of United Nations staff members who were nationals of States not parties to the Convention on Privileges and Immunities. Lastly, if the Convention wished to grant Board members more extensive privileges and immunities than those allowed to experts performing missions for the United Nations, it might establish a new set of privileges and immunities in the Single Convention.

At the preceding meeting, the representative of China had raised the question whether the PCOB was a United Nations organ. In that connexion, he drew attention to the following statement in the *Repertory of Practice of United Nations Organs* (vol. I, pp. 228-229):

"The PCOB and the Drug Supervisory Body have been considered as 'organs of the United Nations' for the purpose of General Assembly resolution 774 (VIII), and they appear to have been regarded as 'other organs', as distinguished from 'subsidiary bodies', in General Assembly resolution 875 C (IX)."

Thus, while it could be debated whether the Board was a United Nations organ in the normal sense, there was precedent for so regarding it. In reply to the same representative's further question whether the decisions of the Conference would be binding on the Economic and Social Council, he said that the Conference certainly could not bind the Council, but that it could submit a plan to it for approval or rejection. The Commission and the Board could assume their functions as subsidiary organs of the Council only with its consent, and if there were financial implications, with the approval of the General Assembly.

With respect to article 14, paragraph 4, the Office of Legal Affairs had grave doubts that a provision requiring a three-fourths majority would be in conformity with the Charter. There were passages in the advisory opinion of the International Court of Justice on voting procedure in the Assembly concerning the question of South-West Africa (*I.C.J. Reports*, 1955, p. 67)

which seemed to indicate that the voting procedure could not be changed without an amendment of the Charter.

Mr. RABASA (Mexico) wished to clarify his previous statement concerning article 15. Mexico considered the PCOB a very important body and had the greatest respect for the efficiency with which it had carried out its duties. He had therefore certainly not intended to suggest that board members should be deprived of the privileges and immunities they needed to carry out their work efficiently and independently. Indeed, if existing provisions would not give the members of the Board the requisite privileges and immunities, his delegation would be the first to propose that they should be given diplomatic immunities. Moreover, in suggesting the deletion of article 15, he had not intended that no provision should be made for fair remuneration for Board members.

Dr. HALBACH (World Health Organization), referring to suggestions by several delegations that the number of persons to be nominated by WHO under article 13, paragraph 1 (a), should be increased, recalled that similar suggestions had been made during the preparation of the first and second drafts but that, after careful consideration, a decision had been taken in favour of the arrangement now proposed. Under the existing conventions, WHO was empowered to appoint two members of the Drug Supervisory Body. The slight departure at the last election from the practice laid down in the relevant convention had been due to the attempted fusion of the PCOB and the DSB, rather than to dissatisfaction with WHO's powers of appointment. The World Health Organization was in favour of retaining the wording of paragraph 1 (a) in the third draft.

Mr. KOCH (Denmark) believed that the only reason for maintaining the Board in being was that its members would be independent, impartial and disinterested persons of high technical competence. They should have the status of international civil servants and should sever their connexions with their governments. Consequently, it would be unwise to lay down any criteria for the selection of board members other than personal and technical qualifications. His delegation could not accept any provision implying that board members represented governments or producing, manufacturing and consuming countries. While they should certainly possess knowledge of the drug situation in the producing, manufacturing and consuming countries, it must be made clear that they did not represent particular interests. He had no objection to the consideration of equitable geographical representation in the election of board members, but thought a specific reference to that principle was unnecessary, since it would be borne in mind by the Economic and Social Council.

Mr. BANERJI (India) agreed that board members should have the status of international civil servants and should not act as representatives of States. But the principle of equitable geographical distribution was firmly recognized even with respect to the international civil servants in the United Nations secretariat.

Mr. NIKOLIC (Yugoslavia) wished to make it clear that in his previous statement concerning article 15, he had supported the deletion of paragraphs 1 and 2 only. The views expressed by the United Kingdom representative on that point were also those of his delegation.

Mr. YATES (Executive Secretary), replying to a question by the representative of the Ukrainian SSR concerning the normal procedure for establishing the remuneration of experts, said that their remuneration and honoraria were determined by the General Assembly, on the basis of proposals submitted by the Secretary-General.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that Council resolution 123 D (VI) referred to the normal procedure, namely, consideration by the Advisory Committee on Administrative and Budgetary Questions, which submitted recommendations to the General Assembly on the Secretary-General's proposals.

The PRESIDENT invited the members of the Conference to vote on the retention of articles 17 and 18.

Article 17 was deleted by 41 votes to none, with 4 abstentions.

Article 18 was deleted by 44 votes to none, with 1 abstention.

Article 23 (Reports of the Board to the Council and parties)

The PRESIDENT invited debate on article 23.

Mr. BANERJI (India) proposed the deletion of the second sentence in paragraph 2. The words "undertake to permit" seemed to imply a specific obligation to secure adequate circulation and therefore imposed too heavy a burden on a large country in which many languages were spoken.

Mr. NIKOLIC (Yugoslavia) said he understood the words in question to mean merely that a party had to permit the publication of the report, not that it had to make translations available.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that, in the opinion of the PCOB and the Drug Supervisory Body, it was unnecessary to stipulate in the Convention that the reports of the Board must be submitted to the Council "through the Commission". Since the Commission would be a functional commission of the Economic and Social Council, the Council itself should determine the procedure.

Mr. GREEN (United Kingdom) considered paragraph 1 too detailed. It should be redrafted in a simplified version along the lines of article 27 of the 1925 Convention.

Mr. DANNER (Federal Republic of Germany) thought paragraph 2 should stipulate that a specified period of time must elapse between communication of the reports to the parties and publication. Unless some more precise term was used than the word "subsequently", government officials were likely to learn of

the reports from the press before they received the official communication.

Mr. RODIONOV (Union of Soviet Socialist Republics) proposed that article 23 should be referred to the *ad hoc* committee for further consideration.

It was so agreed.

Article 12 (Secretariat of the Commission)

Article 24 (Administrative services of the Board)

The PRESIDENT invited debate on articles 12 and 24.

Mr. TABIBI (Afghanistan) said that articles 12 and 24 were closely related and, although the wording was simple, it was difficult to appreciate their full implications. There was a considerable divergence between the views of the Permanent Central Opium Board and the Drug Supervisory Body (E/CONF.34/8) and those of the Advisory Committee on Administrative and Budgetary Questions (E/CONF.34/7). There was another discrepancy; under the 1925 Convention, as amended by the 1946 Protocol, the secretariat of the PCOB had a certain judicial authority, which had been reaffirmed by its president at the 17th plenary meeting, but the representative of the Office of Legal Affairs had stated that the PCOB was to be considered as a United Nations organ.

Before making up his mind on the principles involved, he would like the following points to be elucidated: (1) Was the secretariat of the Board to be regarded as part of the United Nations Secretariat? (2) How had the judicial functions of the PCOB been carried out since 1925? (3) Would it be more economical to have one or two secretariats? (4) What were the financial implications of each of the two solutions? (5) Would a single secretariat or two secretariats make for the most efficient working? (6) What would be the implications for the present regime if the personnel policy of the United Nations was applied to the Board's secretariat? (7) If there were two secretariats, did that involve a duplication of work?

Dr. MABILEAU (France) said that article 24 raised a very important question, which, as the President of the PCOB had pointed out at the 17th plenary meeting, was not so simple and straightforward as might at first sight appear. On the contrary, it was very complex and, because of its implications for the future, the President of the PCOB had urged a cautious and thoughtful approach. In view of the importance of the question and the divergent views expressed by the Advisory Committee and the PCOB and DSB, it was advisable to consider the background of the present situation.

When it had considered the question of a single secretariat at its fourth session, in 1949, the attitude of the Commission on Narcotic Drugs had at first been favourable. It had even stated in its report (E/1361, p. 30) that a single secretariat would be a sound arrangement administratively and would simplify the task of governments in the matter of communication with the control bodies. However, views had changed in the course of the ensuing year and some criticisms of the proposed

arrangement had been expressed at the Commission's fifth session. Those criticisms were summarized in the report of that session (E/1889/Rev.1, paras. 114 and 115) under the following heads: (1) A single secretariat would have to serve two masters independent of each other, the Commission and the Board. That might lead to administrative inefficiency. (2) The independence of the Board as a judicial body would be endangered if it were to be served by the same secretariat as the Commission, a political ("legislative") body. (3) No real economy would be achieved by the establishment of a single secretariat.

The Commission on Narcotic Drugs had as yet had no opportunity of discussing the Advisory Committee's report and, therefore, no opportunity of weighing the amendments to article 24 proposed in paragraph 16 of the report. In view of that fact, the USSR representative had suggested at the 809th meeting of the Fifth Committee that the General Assembly should be asked not to endorse the Advisory Committee's report but merely to bring it to the attention of the Plenipotentiary Conference. General Assembly resolution 1587 (XV) did nothing more than transmit the report to the Conference, without any strong recommendation in its favour.

Having considered the relevant comments of the Secretary-General's survey group, which had reviewed the organization of the Secretariat in 1954-1955, the Advisory Committee had decided that there were four main points in favour of a single secretariat (paragraph 14 of its report). First, it thought that the proposed separate secretariat would be a very small unit for purposes of separate organization and administration. The criticism of the existing arrangement seemed strange, for it had functioned admirably for over thirty years with a minimum of staff. The PCOB had originally had a staff of six and the DSB a staff of three; the combined staff of the joint secretariat was still only nine, in spite of the increased workload due to the increased number of narcotic drugs and the greater number of countries concerned.

Secondly, according to the Advisory Committee, there was considerable overlapping and duplication between the Narcotic Drugs Division and the joint secretariat of the PCOB and DSB. That view was not shared by the two bodies concerned, which stated in paragraph 5 of their report (E/CONF.34/8) that they were not aware of any duplications and, failing proof to the contrary, they regarded such a possibility as extremely remote.

Thirdly, the Advisory Committee had thought that a single secretariat would be more economical and efficient. The President of the PCOB had not agreed. He had stated at the 17th plenary meeting that the Board's effectiveness and general power for good might be adversely affected.

Lastly, in the Advisory Committee's view, the existing arrangement would make appropriate geographical distribution of the Board's secretariat difficult to achieve. It was obviously more difficult to apply the principle of equitable geographical distribution in a small secretariat than in a large one, but, as the PCOB and DSB

secretariat had developed, that principle had not been entirely neglected. The President of the Board had said that the future Control Board would wish to maintain the closest accord with the Secretary-General regarding its personnel. For example, it would be willing to consider nominations from the Secretary-General to vacancies in its staff and it would readily entertain suggestions regarding transfers at reasonable intervals, subject to considerations of the efficiency and continuity of its work.

For the Board to carry out its task, it should have authority and command respect. Those conditions were obviously satisfied by the existing Board. In the thirty or more years of its existence, it had achieved the position which was felt to be desirable for the future board. It might be dangerous to tinker with a piece of machinery that was working so well. As was pointed out in document E/CONF.34/8, paragraph 1, the PCOB's effective independence constituted one source of its authority in the eyes of governments and public opinion. The same point had been made by the President of the PCOB. The only safe way was to continue with two separate bodies, one political (the Commission) and one technical (the Board) and two separate secretariats. One secretariat could not serve two masters.

Mr. YATES (Executive Secretary) said that there was no divergence of views regarding the necessity of maintaining the Board's independence and authority, but that was not necessarily the same issue as that of a statutorily separate secretariat. The General Assembly, the Advisory Committee and the Secretary-General had, in fact, been convinced that it was not.

As the representative of Afghanistan had pointed out, there was a considerable divergence between the views of the Permanent Central Opium Board and the DSB, on the one hand, and the General Assembly and the Advisory Committee, on the other. General Assembly resolution 1587 (XV) transmitting the report of the Advisory Committee to the Conference had been adopted without objection in the Fifth Committee and unanimously in the Assembly. Thus all the governments represented at the Conference except those of countries not Members of the United Nations had already "commended the recommendations of the Advisory Committee to the consideration of the Conference."

The Advisory Committee, the General Assembly and the United Nations Secretariat had not considered only the administrative and budgetary aspects of the question in the normal sense; they had given very careful thought to the connexion between the independence of the Board and the statutory maintenance of a separate secretariat for it, as was clear from paragraph 15 of the Advisory Committee's report.

Turning to the views expressed by the PCOB and the DSB in their report, he said that paragraph 1 dealt with the Board's power to impose sanctions. Reference was there being made to the powers vested in the Board under article 24 of the 1925 Convention, extended by article 26 of that Convention and by article 14 of the 1931 Convention. In actual fact, those powers had

not been exercised in the thirty-two years of the Board's existence, even though their use had been considered on a number of occasions and preliminary steps taken on a few. Furthermore, there were strong reasons for thinking that such powers were unlikely to be exercised frequently, for reasons such as those set out in Mr. Herbert May's article on the Single Convention published in the United Nations *Bulletin on Narcotics* of April 1956.

Even if the power to impose sanctions were to be exercised, however, that did not in itself in any way imply the necessity for a separate secretariat. First, the Board was expressly precluded from delegating the exercise of that function to the secretariat by the last paragraph of article 19 of the 1925 Convention. Secondly, any legal advice it needed on such a point could appropriately be obtained from the Office of the Legal Counsel, while if it wished to obtain information about the illicit traffic, that could be supplied by the Division of Narcotic Drugs, which was the depository of the extensive treaty information from governments and which circulated its documents on the illicit traffic to members of the Board for information.

A comparison might also be made with the WHO Expert Committee on Addiction-producing Drugs. That committee took decisions on drugs to be placed under control which had important commercial and other implications; but it had not been suggested that, for that reason, it should be given a secretariat separate from the regular WHO secretariat.

As regards the arguments in paragraph 3, a number of facts pointed in the other direction. The Board and the DSB met at least twice a year, their field of operation was specific and closely defined in treaties, and the secretariat was in constant touch by cable and letter with the President and members of the Board. It was feasible to acquire the specialized knowledge required by serving in the unit, and in fact no professional qualifications were laid down as they were in many units of the United Nations Secretariat.

It might be noted that, in the League period, the DSB had operated perfectly well as part of the Opium Section of the League Secretariat, corresponding to the present Division of Narcotic Drugs. The reasons for the amalgamation of the PCOB and DSB secretariats were, first, that the functions of the two bodies interlocked—the PCOB administered the estimates established by the DSB—and secondly, that when the arrangement had been made, the PCOB had been in Geneva, whereas the division had still been in New York, and it would have been uneconomical to maintain a detached part of the division at Geneva.

Paragraph 5 raised a point that was important from the practical point of view. It was stated that no duplications were known, and such a possibility was regarded as extremely remote. In actual operation, however, there were examples to the contrary. The Commission on Narcotic Drugs was a political and legislative body which, under its terms of reference, had responsibilities and interests in all fields of narcotics control, whereas the PCOB and DSB had specific tasks relating essentially to the statistical control system, including esti-

mates. The League of Nations had taken steps to see that the Board would be free from the intervention of other organs in carrying out those specific tasks. Both the Commission and the Board reported to the Economic and Social Council, the latter under article 27 of the 1925 Convention; in practice, the Board's report was considered first by the Commission and reached the Council with the Commission's observations. In the United Nations period, so far as the Secretariat was aware, no significant problems had arisen over the respective jurisdiction of the Commission and the Board, and none need be anticipated. That was, however, a very different thing from duplication at the secretariat level. Given the situation of two bodies, one with specific responsibilities which, with regard to policy or legislation though not with regard to detailed executive action, lay within the field of the other, some degree of duplication at the secretariat level was inevitable in that each secretariat had to, and did, follow the proceedings of the other.

To take one instance, that happened in the field of the illicit traffic. Under its terms of reference, the Commission was the international organ responsible for supervising the course of the illicit traffic and making studies and recommendations to governments concerning that traffic. It carried out its task on the basis of information provided by governments which enabled it to review the previous year's results each spring. However, the Board received statistics, under article 22 (1) (e) of the Convention of 1925, of confiscations on account of illicit import or export, the primary purpose of which was to enable it to complete the accounting of the drugs available in a country. Its annual report, however, usually included a chapter on the illicit traffic, which was primarily based on those statistics. The information reached the Council a year later than the Commission's annual review for the year in question. The Board's secretariat, in document E/OB/W.78, transmitted to the Commission in connexion with the preparation of the Convention, had recognized the duplication expressly.

There were other types of duplication on which views expressed in document E/CONF.34/8 were not consistent with the information available in the Secretariat, but perhaps further discussion, of them, if desired, could be better left for the Committee stage.

Mr. De BAGGIO (United States of America) said that his government supported the concept of a single secretariat. A separate secretariat for the Board would appear to be unnecessary and wasteful.

Mr. KRUYSSSE (Netherlands) said that his government supported the recommendation made in the report of the Advisory Committee on Administrative and Budgetary Questions (paragraph 17) that the Single Convention should limit itself to providing that all necessary secretariat services should be furnished to the Commission and the Control Board by the Secretary-General. Thus, it felt that a provision similar to that in article 12 should be made applicable to the Board. The necessary arrangements could be made in the *ad hoc* committee to ensure that the Board maintained its separate functions and was not merged with the Commission.

The PRESIDENT asked the members whether they wished to continue the discussion of articles 12 and 24 in the *ad hoc* committee or the plenary meetings.

Dr. MABILEAU (France) proposed that the articles should be carefully considered in plenary, and a decision taken on the principle involved.

Mr. De BAGGIO (United States of America) supported the French proposal.

It was so decided.

The meeting rose at 5.45 p.m.

TWENTY-SECOND PLENARY MEETING

Tuesday, 21 February 1961, at 10.35 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

The PRESIDENT drew attention to the report of the *ad hoc* committee appointed at the 12th plenary meeting to consider articles 35 to 38 (E/CONF.34/10). As was explained in the introductory note to the report, the absence of comment on a particular provision meant that the provision had been found acceptable to the committee.

Article 35 (Restrictions on the cultivation or growth of the coca bush)

Mr. ESTRELLA (Peru) urged that the definitive text of paragraph 1 should be brought into line, *mutatis mutandis*, with the corresponding provision which the United States had proposed with respect to the opium poppy (E/CONF.34/C.5/L.1).

Article 35 was adopted.

Article 36 (National coca leaf agencies)

Article 37 (Restrictions on the international trade in coca leaves and crude cocaine)

Mr. ESTRELLA (Peru) said that the word "exclusively" in paragraph 1 of the proposed new single article should, of course, be interpreted in the light of the provisions of article 56 concerning reservations.

As the USSR representative had said (see footnote 3 to *ad hoc* committee's report), the first sentence of paragraph 2 should not mention any producing countries by name, but should refer in general terms to countries which had produced the coca leaves during the past few years and had so informed the Permanent Central Opium Board.

Mr. RODIONOV (Union of Soviet Socialist Republics) reiterated the opinion expressed by his delegation in the *ad hoc* committee that from both the legal and the practical standpoint, it would be preferable not to list specific producing countries in the first sentence of para-

graph 2 but adopt a text along the following lines: "The General Assembly, after consultation with the countries which produce coca leaves or produced the leaves in the last few years and so reported to the Permanent Central Opium Board, may adopt regulations for such control." Such an amendment would not affect the economic interests of the countries in question; it would also be correct in a convention which would continue to be applicable for a period of years. A country mentioned by name in the Convention might cease to produce or export coca leaves; it would then be necessary to amend the Convention. It was in order to avoid that difficulty that his delegation had proposed the new wording.

Mr. De BAGGIO (United States of America) said that the amendment proposed by the Soviet Union representative was entirely acceptable to his delegation, since it was merely a drafting change.

Mr. NIKOLIC (Yugoslavia) asked why the *ad hoc* committee had decided to delete that part of draft article 36 which dealt with control of the production and distribution of the coca leaf and to substitute the paragraph 2 proposed in its report. Moreover, according to that text, it would be the General Assembly which would adopt regulations for such control. It was, however, his understanding that the Conference had been convened precisely in order to draw up a system of control, and he therefore found it surprising that the question was to be referred to the General Assembly.

Mr. LANDE (Deputy Executive Secretary) replied that the former text of articles 36 and 37 essentially reproduced for coca leaves the provisions relating to the control of the production of opium (articles 31 and 32). The latter provisions had been based on the practical experience of several countries—India, for example—and had been found to be effective. It seemed doubtful, however, whether such provisions would be equally effective in the case of a different crop—coca leaves—and in other countries. It had therefore been decided to provide for a procedure by which the most suitable system of control would be established for that particular crop under the special conditions prevailing in the coca-leaf-producing countries. That was the idea underlying the *ad hoc* committee's draft.

Mr. NIKOLIC (Yugoslavia) said he was not fully satisfied by that explanation, which answered only his first question. He recognized that the control system would have to be established by agreement with the producing countries concerned. Those countries were, however, represented at the Conference, and there was nothing to prevent the Conference itself from working out a system of control forthwith in consultation with those countries, instead of referring the matter to the General Assembly.

Mr. De BAGGIO (United States of America) said that it would be difficult for the Conference, without adequate preparation, to work out a series of measures for the effective control of the cultivation of the coca bush and the distribution of coca leaves. If the Convention included provisions which were based upon insufficient experience, it would inevitably have to be amended

before very long; the procedure described in the proposed paragraph 2 would make it possible to devise the best method of control.

Mr. RAJ (India) recalled that in 1947 the delegation of Peru had requested the Commission on Narcotic Drugs to send a commission of inquiry into the effects of chewing the coca leaf to that country; the Economic and Social Council had approved the establishment of such a commission in its resolution 123 C (VI) and had approved its despatch to Peru by its resolution 159 IV (VII). In the report to the Economic and Social Council at its twelfth session (E/1668) the commission of inquiry had described the harmful effects of coca leaf chewing, which inhibited the sensation of hunger, thus maintaining a constant state of malnutrition, and diminished the chewer's capacity to think and work. The commission, recognizing the harmful effects of coca leaf chewing, had recommended that the governments of the countries concerned should improve the living conditions of the population, especially their nutrition, housing conditions and education. However, in view of the social and economic factors which gave rise to the habit of chewing, limitation of the production of coca leaf and control of its distribution should be effected gradually until complete suppression was achieved within a period of fifteen years.

The *ad hoc* committee had apparently not paid due attention to those recommendations. While it was true that the coca bush could not be brought under the same control as the opium poppy or cannabis, it was necessary to provide for a system that was at least roughly comparable to the control measures for poppy straw or cannabis, or both.

Mr. YATES (Executive Secretary) recalled that, at the time, Peru and Bolivia had been unable fully to accept the recommendations made by the commission of inquiry; several years later, however, they and the other countries concerned had found it possible to approve Economic and Social Council resolution 548 E (XVIII) regarding measures to control the production and use of the coca leaf. As the problem of coca leaf had been tackled later than that of controlling opium, not so much experience was available, and the subject still required much careful study.

Mr. ESTRELLA (Peru) said he was glad to be able to state that the provisions of articles 36 and 37 of the draft Convention had been incorporated in his country's legislation. The Peruvian Government had undertaken further studies designed to enable it to improve its laws relating to the coca leaf. While it was not possible to introduce the immediate and total prohibition of coca-leaf chewing, the practice would gradually be limited and would be eliminated within twenty-five years of the Convention's entry into force.

Mr. VERTES (Hungary) thought that, in view of the importance of the coca leaf problem from the medical, economic and political points of view, the matter should preferably be dealt with by the Assembly. He also agreed with the USSR representative that the producing countries should not be mentioned by name in the first sentence of paragraph 2.

Mr. CURRAN (Canada) thought that the *ad hoc* committee's proposal with regard to articles 36 and 37 was a reasonable one and should not require further lengthy discussion. He also supported the USSR suggestion that the provision naming the countries in paragraph 2 should be replaced by a more general text.

Mr. ADJEPONG (Ghana) agreed with the USSR representative that countries should be mentioned by name in paragraph 2. His delegation had always been opposed to monopolies; to give a list of countries in the Convention would lead to complications. The drafting of the paragraph required some improvement.

Mr. NIKOLIC (Yugoslavia) said he still found the text proposed by the *ad hoc* committee unsatisfactory. Naturally, the control measures applicable to the opium poppy could not necessarily be applied to the coca bush; the producing countries should be consulted on the measures of control they considered most suitable, and precipitate action should be avoided. But successive drafts of the Single Convention had been under draft consideration for ten years or so, and the Commission on Narcotic Drugs had been concerned with control over various substances, including the coca leaf, for an even longer period. It was therefore hardly possible to speak of excessive haste; and it was highly irregular that a conference of plenipotentiaries, at which the countries directly concerned were represented, should refer the question to the General Assembly.

Dr. MABILEAU (France) said that although his delegation was ready to accept the text of articles 35 to 38, as amended, it understood and shared the Yugoslav delegation's misgivings. In the case of poppy straw, for instance, some form of control had been accepted. But the French delegation would not press the point. It would simply make a suggestion on the question of reservations, to which the Peruvian representative had referred: as coca leaf chewing was a very old custom in certain countries and was therefore extremely hard to eradicate, article 56, paragraph 4 (e), which stipulated that it must cease "within twenty-five years", might make some reference to gradual eradication. The situation should be reviewed from time to time, in order that the progress made could be judged.

Mr. ISMAIL (United Arab Republic) agreed with the Yugoslav representative that it was time to establish some form of control over the coca leaf.

Mr. ASLAM (Pakistan) also thought that the Conference should provide for control, in one form or another, and should not leave the matter to the General Assembly. With the consent of the countries directly concerned, the question might be referred back to the *ad hoc* committee, which could draft a revised provision.

Mr. BANERJI (India) agreed that a decision on the coca leaf was overdue. The question had been under study for a long time and it would seem odd if an instrument such as the Single Convention contained no specific provision on the subject.

Mr. RABASA (Mexico) said that the Conference should draft as complete a Convention as possible.

The question of the coca bush had been studied for over ten years in consultation with the governments directly concerned. The draft Convention had been prepared by the Commission on Narcotic Drugs, in which those countries were represented. The third draft provided for specific control of the coca leaf. Yet, instead of including the provisions proposed in the third draft, the *ad hoc* committee suggested that the question should be referred to the General Assembly. As the Yugoslav representative had said, the countries which the General Assembly would have to consult were present at the Conference and could be consulted without difficulty.

The PRESIDENT proposed that the Conference should vote on the general principle laid down in the provisions which the *ad hoc* committee proposed in lieu of articles 36 and 37 of the third draft. If necessary, the Conference could then vote on the amendment suggested by the USSR and supported by several delegations.

Mr. NIKOLIC (Yugoslavia) thought that, in the interests of clarity, the Conference should first vote on paragraph 2 — in other words, on the question whether provision for some form of control of the coca leaf should be included in the Convention or whether the question should be referred to the General Assembly.

The PRESIDENT said that paragraphs 1 and 2 were interconnected: paragraph 1 provided that the parties should control the cultivation of the coca bush, without specifying how that was to be done, and paragraph 2 referred the question of international control to the General Assembly. They were therefore based on the same principle. He saw no reason, however, why they should not be voted on separately.

Mr. NIKOLIC (Yugoslavia) said he had merely wished to make it as clear as possible what the Conference was voting on. After the President's explanation, he agreed that the two paragraphs should be voted on together.

The PRESIDENT put to the vote the general principle laid down in paragraphs 1 and 2.

The result of the vote was 18 in favour and 15 against, with 13 abstentions.

The principle was not adopted, having failed to obtain the two-thirds majority required by rule 38 of the rules of procedure.

The PRESIDENT proposed that the Conference should request the *ad hoc* committee to prepare a redraft based on the provisions of articles 36 and 37 of the third draft.

It was so agreed.

Mr. BANERJI (India) agreed with the USSR representative that the provision should not give a list of countries. If the Conference endorsed that idea, the *ad hoc* committee should take it into account.

The PRESIDENT put to the vote the USSR proposal that specific countries should not be listed.

The proposal was adopted by 44 votes to 1, with 7 abstentions.

After some discussion concerning the membership of the *ad hoc* committee, the PRESIDENT suggested that the committee might be enlarged.

It was so agreed.

Article 38 (Special provisions relating to coca leaves in general)

Mr. ISMAIL (United Arab Republic) thought that, in the third line of the *ad hoc* committee's proposed addition to article 38, paragraph 2, the adjective "medicinal" before "alkaloids" was superfluous. Cocaine and ecgonine, the only alkaloids extracted from the coca leaf, were always used for medical purposes.

Mr. KRUYSSSE (Netherlands) suggested that the word "drugs" should be used, instead of the new term "medicinal alkaloids".

Mr. ISMAIL (United Arab Republic) pointed out that, since alkaloids were concerned, it would be better to keep the more precise term and simply to delete the adjective "medicinal".

Mr. CURRAN (Canada) said that the proposed addition was obscure. The intention seemed to be to require separate statistics on coca leaves used only for the preparation of the flavouring agent and not for the production of alkaloids. If that was so, it should be more clearly stated.

Mr. De BAGGIO (United States of America) said that, since the same coca leaves were sometimes used both for the preparation of the flavouring agent and for the production of alkaloids, the additional phrase was meant simply to ensure that the same statistics were not submitted twice over.

Mr. CURRAN (Canada) said that that idea was not clear from the text.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) agreed that the purpose was to ensure that statistics were not submitted twice in respect of the same coca leaves. With reference to the adjective "medicinal", he pointed out that the term "alkaloid" was used without an adjective in paragraph 1; paragraph 2 could use the same wording, as the representative of the United Arab Republic had requested.

The PRESIDENT suggested that the drafting Committee should be asked to improve the draft of article 38, as amended.

It was so agreed.

Article 47 (Treatment of drug addicts)

The PRESIDENT invited debate on article 47 and on the amendment thereto submitted jointly by the Byelorussian SSR, Czechoslovakia and Indonesia (E/CONF.34/L.9).

Mr. ELLENBOGEN (United States of America) stated that the United States delegation and its head, Mr. Anslinger, whose contribution to the fight against drug addiction was well known, unreservedly supported article 47 as proposed in the third draft of the Single

Convention. The article was of the greatest importance; for many years the United States Government had been emphasizing the need for the treatment, care and rehabilitation of drug addicts. There were many specialists on the subject in the United States and they had learned from experience that those ends could be achieved only if drug addicts were confined in surroundings where they were progressively deprived of their drugs—in other words, in a closed institution.

There was nothing punitive about a method of treatment which consisted in reducing the addict's opportunities for obtaining drugs. The isolation of susceptible persons from pathogenic agents was one of the most time-honoured practices in public health. Drug addiction was contagious in the sense that the addict tended to convert others to his morbid habit, and it was therefore essential in his case to use the recognized public health method of quarantine. Treatment in liberty had failed wherever it had been tried, and very few doctors who were drug addicts attempted to cure themselves; they entered an institution.

Article 47 recognized that drug addicts should be treated in an environment free of drugs and under supervision; it created only a very limited obligation for States parties to the Convention. It did not compel them to treat all addicts in a closed institution and it applied only if drug addiction was a serious problem in the country concerned and if it had sufficient economic resources to be able to apply some to the treatment of drug addicts. Even if those two conditions were satisfied, article 47 imposed on the parties nothing more than an obligation to establish "facilities", without specifying their number or size. He hoped that the success achieved by treatment in closed institutions would encourage governments to increase the number and size of the facilities concerned, but that was left to their discretion.

A multilateral treaty concerning the problem of narcotic drugs would be incomplete if it did not contain a provision imposing an obligation in respect of the treatment of drug addicts, and article 47 served that purpose.

The United States delegation sincerely hoped that the article would be adopted as drafted.

Mr. CURRAN (Canada) said that, despite its brevity and the apparent vagueness of its subject-matter, article 47 was one of the most important in the Convention.

If there were no drug addiction, narcotics control would not be necessary, illicit traffic would not exist and there would scarcely be any reason for the historic Conference.

Drug addiction took different forms in different countries. In Canada it took the form of addiction to heroin, the most vicious and most dangerous form. Those who had had occasion to observe the effects of that morbid habit on human behaviour could not but implore the opium-producing countries to seek, in the interests of mankind, to make the use of opium and its derivatives impossible except for medical and scientific purposes.

In Canada there were about 3,000 heroin addicts. That was not a large number in relation to the total population, but the nature of the evil required stern measures until the symptoms had disappeared. The pro-

blem was regarded as a medical and a social one and it was felt that addicts should be treated in institutions where the withholding of drugs and the rehabilitation of the persons concerned could be properly ensured.

Canada did not underestimate the difficulties of treatment. It was realized that an addict who had given up his morbid habit might easily resume it. No really effective treatment had been discovered as yet. On 24 January 1961, the Canadian Minister of National Health and Welfare had introduced a bill concerning illicit traffic in narcotic drugs and drug addiction. The bill provided for the establishment of institutions where special methods of treatment would be applied. Addicts found in possession of drugs could be sentenced to be detained for treatment, and later released with the approval of the National Parole Board and placed under special supervision for an indefinite period, on conditions prescribed by the Board.

Drug addicts who had not been found in possession of drugs could be admitted for treatment under provincial laws. Under the Canadian Constitution, the treatment of illnesses not associated with crime was a matter for the provinces.

The essential purpose of the bill submitted to Parliament was not to detain drug addicts, but to treat them by the most up-to-date methods in the hope that many of them could resume their places in society as useful citizens.

It was to be hoped that an analgesic as effective as the drugs in current use but presenting no risk of addiction would one day be discovered, but in the meantime realities must be faced and the necessary measures taken. For that reason, article 47 was very important.

Mr. SHADOURSKY (Byelorussian Soviet Socialist Republic) explained that the treatment of drug addicts was not a problem in Byelorussia, where there were very few. Measures had been taken with a view to caring for them in closed institutions and enabling them to resume an active life.

Since the establishment of the Soviet system, the Byelorussian SSR had undergone vast social changes and there had been considerable development of health services, which were free. Moreover, there was no unemployment, and everyone was usefully occupied; no one feared losing his employment or having to bear heavy medical expenses in case of sickness. There was therefore nothing to serve as a source for a social evil such as drug addiction.

Since 1913, despite the devastation suffered during the two world wars, the number of hospital beds, doctors and medical auxiliaries had increased by between 600 or 800 per cent; and that trend was continuing. Appropriations for health services in the 1961 budget were 12.4 per cent higher than in 1960.

The Byelorussian delegation considered that article 47 should be strengthened and should include an obligation on States to raise the material and cultural level of living of their peoples and to develop their public health services. For that reason it was introducing the joint amendment (E/CONF.34/L.9).

Mr. SAFWAT (Director-General of the Permanent Anti-Narcotics Bureau of the League of Arab States) said that drug addiction was still a serious problem in certain Arab countries, and particularly in the Egyptian province of the United Arab Republic and in Lebanon. In Syria and elsewhere there were very few drug addicts, and they were mostly foreign immigrants.

The drug most heavily consumed in Egypt was hashish, and the number of addicts was growing constantly. The Egyptian authorities were seriously considering the foundation of a sanatorium, with a view to ascertaining the number of addicts and treating them. Their exact numbers were difficult to determine, since many escaped police supervision.

Addiction to hashish developed in three stages. At first, a person began taking the drug under the influence of friends who were already using it and who extolled its alleged benefits. In the second stage it became a habit, and the duration of that stage depended on the state of health and nutrition of the person concerned. Sooner or later he reached the third stage, that of addiction, when he became a charge on his family and his country. At that stage the addict would not hesitate to commit a crime in order to obtain the money he needed for the satisfaction of his vice.

In the first and second stages, the consumer of hashish could give up the drug for a short period, but the addict was quite unable to do so unless treated by up-to-date methods.

The consumer of opium reached the stage of addiction rapidly and, like a person addicted to cocaine, heroin or morphine, ceased to be a normal human being.

It was of the greatest importance that the Conference should endeavour to find a method and lay down permanent rules for determining the number of drug addicts as accurately as possible, especially since it was very difficult to distinguish between a consumer of hashish and a person addicted to that drug.

The meeting rose at 1.5 p.m.

TWENTY-THIRD PLENARY MEETING

Monday, 27 February 1961, at 10.40 a.m.

President: Mr. SCHURMANN (Netherlands)

Tribute to the Memory of H.M. King Mohammed V of Morocco

Mr. FAHMI (United Arab Republic) expressed his government's sympathy with the people of Morocco in connexion with the death of H.M. King Mohammed V after a life dedicated to the independence and progress of his country and to the cause of world peace.

On the proposal of the President, the members of the Conference stood in silence in memory of H.M. King Mohammed V.

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1; E/CONF.34/L.9) (continued)

Article 47 (Treatment of drug addicts) (continued)

The PRESIDENT invited the Conference to continue its debate on article 47 and on the amendment thereto submitted jointly by the Byelorussian SSR, Czechoslovakia and Indonesia (E/CONF.34/L.9).

Mr. FAHMI (United Arab Republic) said that his government, which shared the views expressed at the preceding meeting by the representatives of the United States and Canada, was establishing a special sanatorium for the treatment and rehabilitation of drug addicts. The Narcotics Act, 1960, provided that no penalties would be imposed on an addict who requested treatment and that an addict who was arrested might be committed to the sanatorium for a period of not less than six months nor more than one year. The basic requirement for effective treatment was close supervision of the addict in a closed institution. Both the World Health Organization and the United Nations Commission on Narcotic Drugs had recognized that addicts could be treated successfully only in hospitals under special conditions. Because of their overpowering desire to continue using drugs, they had to be placed in an environment where they could not obtain any form of narcotics and had to be supervised if they were to be successfully rehabilitated. The results achieved in the small number of countries which had established separate hospitals for the treatment of drug addicts should encourage other countries to follow their example. His delegation believed that article 47 was fully in accord with the recommendations of experts and the Commission and with the lessons of experience. Therefore, it strongly urged that the article should be retained as drafted.

Mr. GREGORIADES (Greece) said that as, fortunately, the level of drug addiction was low in Greece, his comments would primarily be based on general considerations. In view of the very high cost of providing for the treatment of drug addicts in closed institutions, he suggested that a proviso might be added to article 47 to the effect that whenever the facilities for the treatment of drug addicts were inadequate, technical assistance might be provided with a view to their improvement; the United Nations could make a valuable contribution in that field. He also proposed that at the end of paragraph 1 the following sentence should be added: "The application of the provisions of this paragraph shall take into account the economic resources of the country concerned."

Commenting on paragraph 2 he said that, naturally, the treatment of drug addicts in closed institutions presented many difficulties, for a large number of trained staff were required in relation to the number of addicts: many countries with a high incidence of drug addiction lacked the resources to provide that form of treatment. In that connexion, his delegation shared the views of the representatives of Austria, the United Kingdom and Iran recorded in footnote 47 to paragraph 2. Accordingly he proposed that the words "by efficient, scientific,

special methods" be substituted for the words "in closed institutions".

Mr. LIANG (China) said that drug addiction and the illicit traffic were so closely interlocked that it was difficult to determine which was the cause and which the effect. Chinese law provided for severe penalties for drug addiction; addicts were sentenced to imprisonment and were treated in closed institutions. His delegation favoured the retention of article 47 as drafted.

U TIN MAUNG (Burma) wholly subscribed to the view that drug addiction, whatever its incidence, should always be considered a serious problem and should be attacked by both medical and educational methods. Every country, irrespective of its culture and civilization, was exposed to the danger. The Burmese Government, fully conscious of the threat which drug addiction had posed to the health and moral fibre of its people, particularly of the young, had decided in 1948 to ban all forms of opium consumption. In 1949, it had opened an observation clinic in the mental hospital at Tadagale, a suburb of Rangoon, in which opium addicts were kept under strict surveillance and fed on an ordinary diet. All opium addicts, except those not amenable to treatment, now received curative treatment in that clinic, from which they were discharged when the medical superintendent considered that the opium habit had been eradicated. In the case of hardened addicts who failed to respond to treatment, the medical superintendent issued certificates permitting them to purchase their minimum requirements of opium. Such certificates were renewable every six months; on applying for renewal, a certified addict was required to undergo further observation and, if necessary, curative treatment. The certificate was withdrawn if the addict failed to attend the clinic at the close of the six-month period. In the ten years that the clinic had been in operation, 2,764 addicts had been admitted, and 1,601 had been cured. The Blister method of treatment was used, but his government would undoubtedly wish to carry out experiments with other methods approved by WHO. As he had remarked at the third plenary meeting, Burma needed technical assistance from the specialized agencies in the field of treatment of drug addiction, as well as in narcotics control.

His delegation also supported the principle that governments should use their best endeavours to rehabilitate drug addicts. Non-governmental or semi-governmental institutions and groups might be established to train addicts who had rid themselves of the narcotics habit for the resumption of normal life. Drug addiction should be universally recognized as a medical and psychological problem rather than a correctional problem. However, opinions differed as to the methods to be used in treating addicts and the possibility of curing addiction. One school of thought believed that the chances of curing and rehabilitating addicts were slim; another school considered that, while complete cure was impossible, addicts might once again become normal persons; and a third group was of the opinion that addicts should be registered and allowed government rations of narcotics according to need, the dose being gradually decreased to a minimum. In the light of those conflicting opinions,

his delegation believed that, as the treatment of drug addicts involved medical responsibilities it would be unwise to preclude the possibility of exploring new curative methods and approaches. New procedures might be developed in future which would render the methods now employed in closed institutions obsolete. His delegation therefore considered that the term "closed institutions" in paragraph 2 was too restrictive and that the paragraph should be redrafted in the form of a recommendation. Article 47 as it stood was not acceptable to his delegation.

Mr. BANERJI (India) wished to place on record his government's great admiration for the work done by the United States of America in the treatment of addicts. He entirely agreed with Judge Ellenbogen that article 47 was a fundamental provision. The Conference could not be content with taking the negative approach to the humanitarian and social problems of drug addiction that was reflected in the penal provisions of the Convention. In order to achieve its ultimate objective of preventing the social and economic incapacitation of individuals by the pernicious drug habit, the Convention should set out the measures that should be taken, first, to isolate the addict so that he would not corrupt others and, secondly, to provide for the cure of his addiction so that he might again become a useful member of society.

His delegation found no difficulty in approving paragraph 1, which merely drew attention to the importance of providing facilities for treatment, care and rehabilitation. So far as paragraph 2 was concerned, his delegation had had doubts about the terms "compulsory treatment" and "closed institutions". However, as Judge Ellenbogen had explained, the paragraph contained qualifying phrases: the question whether drug addiction constituted a serious problem for a particular country would be a relative one, and each country would decide for itself whether it had such a problem. In India, the major health problems were malnutrition, tuberculosis and malaria; drug addiction was, relatively speaking, a less serious problem. According to the PCOB report for 1960, 0.37 kg of morphine, 2.34 kg of codeine and 0.35 kg of pethidine per million inhabitants had been consumed in India in 1958; the comparable figures for economically developed countries were far greater. Consequently, if it was understood that the effect of the initial clause of paragraph 2 was to permit each country to decide when it had a serious problem of drug addiction, his delegation's objections to that paragraph would be largely removed.

The idea of compulsory treatment was excellent, and his government intended to apply it as soon as it was able. It could therefore accept paragraph 2 provided that it was clearly understood that countries would not be expected to do more than their economic resources, which in their own judgement could be set apart for the particular purpose, would permit. Like Burma, India had many different claims on its resources and had to decide to which to give priority. A start on the problem had already been made in India which, in view of the nature of the country and the size of its population, was far from discouraging.

He agreed in principle that addicts should be treated in closed institutions, though not necessarily in special hospitals. A special ward in a general hospital would be sufficient. The meaning of the term "closed institutions" in paragraph 2 should be more fully defined in order to make that point clear. The article should be referred to an *ad hoc* committee for clarification.

Mr. AZARAKHSH (Iran) said that article 47 as drafted was acceptable to his delegation. In his country, addicts were considered as sick persons in need of medical care. In many countries it was thought that drug addiction could be dealt with only by expensive long-term programmes, but that was not borne out by Iran's experience. Two of the three requirements for the eradication of drug addiction were, as his country's experience had proved over the last six years, to deprive the addicts of the drug and to educate the public to look upon addiction as a vice. Once that was done, the medical treatment of addicts became a simple matter. The Iranian campaign against opium smoking, based on those principles, was proving very successful, in spite of the fact that certain countries were still producing more opium than was required for licit uses.

He strongly endorsed the comments made by the United States representative at the previous meeting regarding treatment in closed institutions, which he could confirm from his personal experience. The problem of drug addiction had two quite different aspects, depending on whether it was a traditional habit in the country concerned or a newly acquired vice. In Iran, where opium smoking had long been a custom, addiction was not linked with criminal behaviour and the addicts were not as a rule psychologically disturbed; hence, treatment was relatively easy and there were few relapses. However, drug addiction was a contagious habit and in countries where it was new, it was often associated with criminality. Addicts who wished to spread the drug habit were to be found in every country, however, and they were very different from the traditional opium smokers, for instance. Having tried first mass treatment in towns in combination with mobile clinics in the villages, then treatment in open medical institutions and dispensaries, Iran had reached the conclusion that the anti-social addict could be treated only in closed institutions.

Under Iranian law, addicts who presented themselves voluntarily at special treatment centres and offenders under sentence were treated at the government's expense. The necessary funds were obtained from the sales of confiscated opium and the fines paid by narcotics offenders. More than 150,000 addicts had been treated free of charge since 1955.

However, if the drug habit was really to be eradicated, compulsory treatment was necessary. His country was working in that direction, but programmes of compulsory treatment were expensive and, furthermore, could not succeed unless parallel measures were taken to stop the illicit traffic. As long as certain countries held that international control infringed the sovereign rights of States, little progress would be made towards its suppression.

Turning to the joint amendment (E/CONF.34/L.9), he pointed out that governments did not need the excuse of drug addiction to undertake programmes of social betterment. Furthermore, bad economic, social and cultural conditions were the result, not the cause, of drug addiction. An addict who paid \$40 for a gramme of heroin or \$12 for ten grammes of opium from illicit traffickers doomed his family to poverty and ignorance. Moreover, the deterioration in his character produced by his addiction had repercussions on all the members of his family. A definite improvement in the living standards of former addicts had been noted in Iran. Raising the cultural level seemed unlikely to affect addiction either, for many addicts were to be found among doctors, writers and artists.

Article 47 provided for the compulsory treatment of drug addicts. In Iran, it had been found that the number of addicts under treatment varied in accordance with the price of drugs on the illicit market. When the supply was small and the prices therefore high, there were more addicts in hospital than when prices were low. The primary condition for the eradication of drug addiction was therefore strict control of the illicit traffic by all States.

Mr. PRAWIROSOEJANTO (Indonesia), speaking as one of the sponsors of the joint amendment, said that although drug addiction was not a problem in Indonesia, his delegation endorsed the principle that its social and economic causes should be eradicated.

Mr. KENNEDY (New Zealand) said that, although his delegation supported the underlying principle of article 47, namely, that the drug addict should be cured and resume his normal participation in the life of society, it doubted whether direct reference to details of medical treatment should be made in the Convention. It also had some doubts about the text of the article as it stood. If the view of WHO that all drug addiction, whatever its incidence, was always a serious problem was accepted, as it was by New Zealand, the word "serious" might be deleted from paragraph 2. If that view were not accepted, more than half of the 108 countries mentioned in paragraphs 146 and 147 of the report of the fifteenth session of the Commission on Narcotic Drugs (E/3385) would be considered as having no problem necessitating the provision of facilities for treatment.

There also seemed to be varying views about the meaning of the term "drug addiction". In article 47 it was used to refer to addiction to any narcotic drug scheduled as such. Some delegations, notably those of the United States and Canada, had indicated that they were thinking mainly of addiction to heroin. The management of drug addiction was a highly complicated problem which could not be dealt with within the framework of an international agreement. It might be better not to attempt the impossible and therefore to delete paragraph 2. The whole question might subsequently be referred to WHO for a report on the medical management of drug addiction. At the same time, it should be recognized that it was a matter that should be left to the discretion of individual governments, which would take their decision in the light of the information available and with the advice of their own medical profession.

Although he had suggested that paragraph 2 might be deleted, he supported its main idea — namely, the provision of facilities for compulsory treatment. In New Zealand, legislation to that effect had been in force for the last fifty years. He therefore agreed with the view expressed by the United Kingdom in footnote 47 to that it might be made the basis of a recommendation.

In his country, it was planned to provide a procedure for the treatment of drug addicts identical with that proposed for psychopaths. In both cases, the treatment would be compulsory. The core of the issue was the provision of compulsory treatment, which should be appropriate to the case being treated. The reference to "closed institutions" in the article as drafted seemed unnecessary and undesirable. Although some psychiatric cases required treatment in closed institutions, the term evoked a long-past era when incarceration had been the only treatment for the mentally ill. He concurred in the view of WHO (E/CONF.34/9) that treatment should not necessarily and under all circumstances be in a closed institution. Some reference had been made to quarantine, but that concept was no longer so firmly held as in the past, even for the control of communicable diseases.

He had already questioned the appropriateness of including provisions on medical treatment in the Convention, which was concerned with the control of the production, manufacture, distribution and supplies of scheduled narcotic drugs and with measures against illicit traffickers, who were criminals and not patients. The additional paragraph proposed in the joint amendment strengthened his contention that the article should be confined to paragraph 1. Drug addiction was only one of a vast range of diseases which emphasized the interrelationship between the state of a country's health and the level of its social and economic development. The basic principles of that relationship were expressed in the preamble to the Constitution of WHO. It seemed unnecessary to repeat them in the Convention, as they were better expressed and in greater detail in the WHO Constitution. He was therefore unable to support the amendment.

Mr. Archibald JOHNSON (Liberia) said that he endorsed the moral principles underlying article 47 but was unable to accept the reference to the compulsory treatment of addicts in closed institutions at the end of paragraph 2. Although he sympathized with its motives, the provision as drafted would prove an obstacle to the ratification of the Convention by many States. The same principle would, however, be acceptable in the form of a recommendation.

He supported the joint amendment, which recognized that social and economic factors were responsible for drug addiction.

Mrs. VASILEVA (Union of Soviet Socialist Republics) drew attention to the report of the thirteenth session of the Commission on Narcotic Drugs (E/3133), which said that the work of control should be directed primarily towards preventing the development of addiction by regulating the licit supply of dangerous drugs

and by stamping out the illicit (para. 262). The report had emphasized that the problem comprised prevention not only by administrative means, but also by social measures and had gone on to state that treatment could not be limited to withdrawal of the drug, but had to include psychiatric treatment and physical and vocational rehabilitation. At its twelfth session, the Commission had been in favour of the treatment of addicts in closed institutions (E/3010/Rev.1, chapter IV). In the report of its thirteenth session, however, it was interesting to note that in Morocco, for instance, the government's campaign against addiction had been based on preventive measures and that the provision of a normal diet and a job often sufficed to prevent an addict from smoking (E/3133, para. 271). It was also noted that the reduction of illiteracy stood in direct relationship to decreasing addiction (E/3010/Rev.1, para. 238). At the twelfth session the Peruvian Minister of Health had indicated that addiction to coca leaf was due more to malnutrition than to vice (*ibid.*, para. 317) and that the addiction rate fell with an improvement in nutrition. He had drawn attention to the various economic and social problems calling for solution particularly in the fields of education and communications. It had similarly been stated that, in Mexico, addiction was encountered among the very poor and particularly among the illiterate. The representative of Bolivia had also told the Conference that malnutrition was a contributing factor to coca-chewing.

Under the Constitution of the USSR, all citizens were guaranteed the right to education, to work, and to pensions and free medical services. There was therefore no problem of addiction in that country. In view of the importance of those economic and social considerations, the Soviet delegation considered it essential that a paragraph should be added to article 47 on the lines proposed in the joint amendment.

Mr. BITTENCOURT (Brazil) said that article 47 embodied the generally accepted principle that the treatment of addicts should be designed to restore them to normal social life. However, there was not the same general agreement concerning the methods of treatment to be applied. The Brazilian delegation therefore respected the views of those who objected to the provision for treatment in closed institutions or who considered that the method of treatment should be left to the discretion of national authorities.

In Brazil, addicts were required to be treated either in public institutions or in private institutions subject to public inspection. Treatment in the home was not allowed in any circumstances. According to the latest Brazilian census, taken in 1959, there were thirty such institutions in the country for the treatment of drug addicts, most of whom were addicted to cannabis.

Since some countries with a large number of addicts and inadequate financial resources might well find it very difficult to treat cases in closed institutions, the enforcement of the provisions of article 47, paragraph 2, would have to be conditional on the economic and technical resources of the individual parties. Thus Brazil would be prepared either to accept the article as it stood or

agree to the provision being included in the form of a recommendation.

Mr. CERNIK (Czechoslovakia) said that his country had practically no problem of addiction, but that it was aware that the treatment of addicts presented a very important social problem, on whose solution not only the fate of drug addicts depended but also the success of eradicating the danger in the future.

While the Czechoslovak delegation considered that provisions concerning medical treatment should be included in the Convention, it did not believe that such provisions were adequate to achieve the aims of the Convention, which were the elimination of the dangers of narcotic drugs and the eradication of their use.

Since a social problem was primarily involved, even the best medical treatment could not eliminate addiction. That purpose could be achieved only by effective preventive care combined with educational, cultural and economic measures in addition to medical treatment. In the view of the Czechoslovak delegation, the most suitable methods of eradicating the use of narcotic drugs were to raise the material and cultural standards of the population, to guarantee the right to work, leisure and care in old age and sickness, and to provide good facilities for medical treatment and general education. Systematic health education was also important. In the belief that the need for such measures should be reflected in the Single Convention, Czechoslovakia had become a sponsor of the joint amendment.

Mr. ESPINOSA (Philippines) said that although drug addiction was not a serious problem in his country, in the interests of international co-operation his delegation would state its views on the subject. The dangers of addiction were well known and, apart from the moral and physical degradation it entailed, addiction also had far-reaching social and economic consequences which were causing increasing concern to governments. Moreover, addiction was always a problem, whatever its incidence. While it was desirable to provide for compulsory treatment, however, the Philippines agreed with the view expressed by WHO that treatment did not always have to be provided in closed institutions. It might be advisable therefore to redraft article 47 to include a recommendation to the effect that the parties should establish conditions for treatment in a drug-free environment in hospitals.

Mr. ASLAM (Pakistan) said that he was in favour of the inclusion of article 47 in the Convention, which should contain a statement that treatment should be provided for drug addicts. There were, however, different opinions about the best methods of treatment. In that connexion, he endorsed the views expressed by the Indian representative concerning the difficulties with which under-developed countries were faced in deciding on priorities for the use of their resources. Whether an under-developed country could provide facilities for the treatment of drug addicts in closed institutions would depend on its resources. If the Convention was to contain an article regarding compulsory treatment, it should also include a recommendation regarding

the provision of technical assistance to the under-developed countries for the setting up of the necessary institutions and facilities. He therefore supported the Greek representative's proposal.

Some countries had expressed doubts about the inclusion of the last part of paragraph 2, relating to compulsory treatment of drug addicts in closed institutions. He could see no objection to it, for countries were invited to take such measures only if they had a serious problem of drug addiction and if their economic resources permitted it. It went without saying that, if a country had the necessary resources, it would be only too anxious to institute programmes for the well-being of its population, whether their object was the eradication of drug addiction or economic and social development. He therefore supported the joint amendment, the principles of which were entirely acceptable to his delegation.

Mr. KRUYSSSE (Netherlands) considered that paragraph 2 of article 47 should be in the form of a recommendation and should not impose a formal obligation. Addiction was not widespread in the Netherlands. Nevertheless, his delegation took the view that addiction was always a serious matter. Compulsory treatment was probably one of the best existing methods of dealing with addiction, but better methods of treatment might be devised in the future; it was, therefore, inadvisable to make the provision compulsory. The Netherlands delegation also had some difficulty in accepting the provision regarding closed institutions. While some delegations might interpret the term to mean a special ward in a normal hospital, the Netherlands was inclined to interpret it to mean an institution more in the nature of a prison. Accordingly, he considered that a formal obligation to provide treatment in such institutions would only hamper medical progress.

Since article 47 as a whole dealt with the main problem confronting the Conference, it required very careful attention. If it was drafted in the form of a recommendation, no doubt all countries would do their best to comply with it.

While agreeing that an improvement in the economic and social conditions of a country would have a considerable influence on the addiction rate, he considered that the provision contained in the joint amendment lay outside the scope of the Convention.

Mr. MEASKETH (Cambodia) said that the provision regarding the compulsory treatment of addicts in closed institutions should be in the form of a recommendation, thus leaving governments free to decide what form of treatment was most appropriate to their specific needs. Closed institutions might be expensive and a special ward in a general hospital might be a more appropriate solution. Only governments could know what was the situation in their own country and what resources were available for any measures that were required: the decision should therefore be left to their discretion.

Mr. ADJEPONG (Ghana) said that no sincere humanitarian could fail to agree with the provisions of article 47 concerning the treatment of addicts. However, a number of newly independent countries were already facing

considerable difficulties in their efforts to eradicate diseases such as leprosy, tuberculosis and bilharziasis which were even more serious than addiction. Moreover, some methods were not suitable for use in all countries. Ghana, for instance, could not afford to treat addicts according to the methods used, say, in the United States. It would have to give considerable thought to the question of compulsory treatment in closed institutions for it might not have sufficient medical personnel to deal with cases, even if it could build the hospitals. At the moment, Ghana had only 400 to 500 doctors for a population of 7 million. It only had facilities for imprisoning persons engaged in the illicit traffic and for providing medical care for addicts.

In view, therefore, of the difficulties facing a number of countries, it might be preferable merely to recommend provision for compulsory treatment and to delete the reference to treatment in closed institutions. Ghana agreed whole-heartedly with the joint amendment.

Mr. TADOTA (Japan) said that his delegation agreed with the general principle embodied in article 47. It had some doubts, however, as to the desirability of confining addicts to closed institutions. While Japan favoured the establishment of hospitals and institutions for the treatment of drug addicts, and proposed to make every effort in that direction, it saw no reason why open hospitals could not serve the purpose as well as closed institutions. It therefore favoured the deletion of the words "in closed institutions".

Dr. HALBACH (World Health Organization) pointed out that it was very difficult to embody, in two short paragraphs, the essential requirements for dealing with such a difficult problem as the treatment of addicts, especially in a convention designed to cover a large number of countries with different conditions. In a debate on the complex question of treatment, it should be borne in mind that the outstanding requirements were after-care and rehabilitation. If successful, rehabilitation played a considerable part in prevention proper, and it was essential clearly to emphasize the need for it. Moreover, rehabilitation presented far greater difficulties than the first stage of treatment, which was withdrawal. A number of delegations had referred to WHO's comment that, while it was desirable to make treatment compulsory, treatment need not always be provided in a closed institution. It should perhaps be added that a drug-free environment was the *sine qua non* of successful treatment. Since the term "drug-free environment" comprised closed institutions, that wording might be considered as a basis for redrafting the provisions of article 47, paragraph 2.

Mr. YATES (Executive Secretary) said that, according to the secretariat's interpretation of the draft, paragraph 2 of article 47 was in effect a recommendation which did not impose a binding obligation on all the parties. The paragraph dealt with the establishment of facilities for that type of treatment in the case of addicts who needed it, and applied only to countries which had the means and a serious problem of addiction. A party would remain free to treat some addicts, such

as opium smokers, outside closed institutions in accordance with the principles laid down by medical science.

Dr. MABILEAU (France) said that, although France had no serious problem of drug addiction, it was anxious to co-operate with other countries in finding an acceptable text for article 47. In any event, even if the article was not of particular importance for France at the moment, no one could tell whether drug addiction might not become a problem there in the future, as drug addicts were driven by their vice to spread the habit or to become drug pedlars in order to obtain supplies.

It was difficult to lay down methods of treatment, for drug addiction took many different forms. In any event, treatment was only part of the solution; prevention was equally important. The preventive aspect was stressed in the joint amendment, which certainly had its place in the Convention. He thought, however, that the idea should be mentioned in the preamble rather than in article 47.

He sympathized with the difficulties mentioned by some delegations in connexion with paragraph 2 of the article. He had no strong feelings about it and would accept whatever text would make the article acceptable to the majority.

Mr. KROOK (Sweden) said that drug addiction had not been a serious problem in Sweden, although there were a number of addicts in the country. In 1955, an investigation had been conducted in the course of which 150 cases had been reported. At the moment there were about 1,000 addicts in a total population of 8 million. A great deal of the abuse, however, related to amphetamines and also, in recent years, to some new stimulants which were also under narcotics control. The import and manufacture of heroin were prohibited and there were no heroin addicts in Sweden. The drugs sold in the illicit traffic were drugs intended for legal purposes and stolen from pharmacies. There were only a few cases of smuggling. The control of prescriptions had recently been tightened, addicts were registered and special narcotics departments had been set up by the police.

Experience in the treatment of alcoholics and drug addicts had shown that addiction was a disease and that it required medical treatment which, in principle, should be voluntary so that the maximum number of patients would seek help. Compulsory treatment should be restricted to special cases. His delegation considered that treatment should be provided in appropriate institutions, but not necessarily in closed ones, though it agreed that treatment should take place in a drug-free environment. It was planned in Sweden to establish a hospital exclusively for the treatment of alcoholics and drug addicts.

Since there were differences of opinion as to methods of treatment, it might be preferable to leave countries free to choose whatever methods their medical authorities considered most suitable. The words "compulsory treatment in closed institutions" in paragraph 2 of article 47 might therefore be replaced by the words "adequate treatment".

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) considered that the Convention should contain provisions and recommendations aimed at combating addiction. It should contain recommendations for putting an end to the illicit traffic and should deal with the control of addiction and the treatment of addicts, and it should provide for measures which would diminish the craving of addicts for drugs. Social and economic factors were extremely important in that connexion. While, in principle, his delegation was in favour of the provisions of article 47, it considered them incomplete. Believing that the Convention should recommend the parties to take the necessary social and economic measures, his delegation supported the joint amendment.

The meeting rose at 12.55 p.m.

TWENTY-FOURTH PLENARY MEETING

Monday, 27 February 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 47 (Treatment of drug addicts) (continued)

The PRESIDENT invited the Conference to continue its debate on article 47 and on the amendment thereto (E/CONF.34/L.9).

Mr. De BAGGIO (United States of America) noted that a number of delegations interpreted article 47 differently from the United States delegation. From its fifty years of experience with the treatment of drug addicts and their social rehabilitation, the United States had learned that the most effective method was compulsory treatment in closed institutions. The institution did not necessarily have to be a penal institution; it might be a special section of a hospital. What was important, however, was that the drug addict should be unable to procure drugs and that he should be surrounded by a competent staff able to treat him.

It had been said that article 47, paragraph 2, would be more readily acceptable if it was in the form of a recommendation; in fact, as drafted it was a recommendation. The provisions of that paragraph would, after all, apply only if drug addiction posed a serious problem and if a country's economic resources were sufficient, and even in those circumstances, States were merely asked to "use their best endeavours to establish facilities". However, if it was considered desirable to insert the words "recommendation", his delegation would have no objection, provided that the principle was admitted. That did not in any way mean ruling out methods other than treatment in closed institutions, but it was simply an acknowledgement that such treatment was the most effective at the moment. If through

research better methods were discovered, the United States would welcome them.

As for the amendment, he said the first line was incorrect, because the measures referred to did not constitute the "most important prerequisite" for eradicating drug addiction. The amendment was based on a certain political philosophy which advocated socialized medicine. Medical associations in the United States were opposed to socialized medicine, and if provisions capable of being interpreted as advocating socialized medicine were inserted in the Convention, the United States would have difficulty in ratifying it.

Mr. GREEN (United Kingdom) said that, as had been pointed out before, drug addiction took a variety of forms according to the drug involved and the part of the world in which it was used. Methods of treatment might therefore also vary. It had been said that article 47, paragraph 2, as it stood was in the form of a recommendation. While it was true that the paragraph did not impose an obligation, it did make a recommendation of a rather special kind because of the use of the word "shall", which was somewhat unusual for a recommendation. While the parties were called upon only to "use their best endeavours to establish facilities", they would not do so except with a view to treatment. His delegation did not think that the Convention should prescribe any particular method of treatment. It was for each country to decide what treatment would be most effective in the circumstances. He would therefore prefer a more general formula in paragraph 2, such as "adequate facilities for effective treatment of drug addicts". If it was thought that special mention should be made of compulsory treatment in closed institutions, which was certainly desirable in certain cases, that could be done in a resolution which would appear in the Final Act. The Single Convention was intended to be a lasting instrument; it could hardly recommend methods which, even if they were the best at the moment, might not continue to be the best in the more or less distant future.

The amendment to article 47 was unacceptable because it was incomplete; it mentioned only one cause of drug addiction. The statement made by the United Kingdom representative in the course of the fifteenth session of Commission on Narcotic Drugs in 1960 to the effect that poverty was often a cause of drug addiction (E/3385, para. 172) should not be taken out of context. The United Kingdom representative had been speaking of the situation in the Far East and not of drug addiction in general. In the economically developed countries, there were a great many drug addicts in the medical profession. Moreover, WHO was hoping before long to undertake a study on the prevention of drug addiction, as the present state of knowledge was inadequate for determining the exact causes of the evil. The amendment was in any case too wide; it was not applicable only to drug addiction and would be out of place in the Convention.

Mr. NIKOLIC (Yugoslavia) also thought that article 47, paragraph 2, should be in the nature of a recommendation. Once States accepted the principle

that drug addicts should be treated, they could be depended upon to adopt the measures which they considered most likely to ensure a recovery. As some representatives had pointed out, it was not always necessary that treatment should be given in closed institutions. Moreover, even if such treatment was for the time being the best in certain cases, the situation might change. Just as some diseases which had formerly required long treatment were now quickly cured by a few injections, it might be hoped that, before the Single Convention ceased to be operative, new and more rapid means of treatment would have been discovered which would make the measures provided for in paragraph 2 obsolete. A more general formula would therefore be preferable.

Mr. RABASA (Mexico) said that the only form of drug addiction which existed in Mexico was the smoking of marijuana (*cannabis*) and that the habit existed only among certain small groups of the population, particularly in large towns. Poverty was not the only cause, as was demonstrated by the fact that poor people in rural areas, for example, seldom indulged in it.

The drug addict, like the alcoholic, was regarded not as an offender, but as a sick person who should receive special treatment. It was thought that he should be isolated until his recovery in an environment where he would be unable to procure drugs, and an effort was also made to rehabilitate him in his family and social environment by psychological treatment. Attempts were also made to eradicate the causes of drug addiction.

For those varying reasons, his delegation was in favour of article 47 as drafted. The reason was not that Mexico had no serious problem in that regard—Mexico had always been willing to co-operate with countries where the problem arose—but that, as had been said, the provisions of the article were sufficiently flexible and imposed no obligations on the countries concerned. The only obligations laid upon the States parties were, under paragraph 1, to give attention to the provision of facilities for the treatment of drug addicts and, under paragraph 2, to use "their best endeavours" to establish facilities for treatment in closed institutions, in cases where drug addiction constituted a serious problem and where the country possessed the necessary economic resources. Nevertheless, if it was considered desirable to mention the word "recommendation" explicitly in that paragraph, his delegation would have no objection even though regarding it as unnecessary.

Mexico had no objection to the principle of the joint amendment. There could be no doubt that all countries wished to improve the economic and social well-being of their people, raise their cultural level and expand medical services, and that they were working constantly towards that end. The amendment, however, involved a general principle which was out of place in a convention concerned specifically with narcotic drugs. A provision of that kind might, if absolutely necessary, be included in the preamble or, perhaps even better, in an instrument concerned with economic or social matters.

Mr. GREGORIADES (Greece) also thought that paragraph 2 was merely in the nature of a recommendation, since States were only called upon to "use their best endeavours". Reverting to the amendment submitted by Greece at the previous meeting, he said that in view of the discussion which had taken place, it would doubtless be best to adopt a compromise solution. He suggested that at the end of paragraph 2 the words "and by efficient special scientific methods" should be added. Without excluding other possible methods, treatment in closed institutions was, as the United States representative had said, the best at the moment. It would thus be mentioned first as the one to be preferred. A country unable to provide it would at least be morally obliged to use efficient scientific methods.

Mr. VERTES (Hungary) said that drug addiction was rare in Hungary and the addicts were mainly persons who had received prolonged drug therapy. The Government was nevertheless interested in the problem because of its serious social implications. The Hungarian delegation therefore approved the terms of article 47 but thought that the new paragraph contained in the joint amendment and stressing the preventive aspect should be added. In countries where drug addiction was widespread, it mainly affected three groups: firstly, the medical and related professions; young medical students should therefore be taught more about the dangers of drugs. It was noteworthy in that connexion that addiction was rare among pharmacists, despite the fact that they were in direct contact with drugs. The second group affected comprised the leisured classes, who found in it an additional source of pleasure. In their case, too, suitable publicity could have a salutary effect. The third group comprised the poorer classes, for whom drugs represented an alleviation of misery. In all three cases, the value of preventive measures was beyond doubt.

Mr. CURRAN (Canada) reiterated that his government also regarded compulsory treatment in a closed institution as the best at the moment. It was, admittedly, unforeseeable what the future would bring, and the door to new discoveries should not be closed, but at the same time one had to be realistic. Paragraph 2 in no way prevented countries from undertaking research in order to develop new methods. While it was true that the causes and effects of drug addiction varied from country to country and that the situation in North America was different from that in other parts of the world, article 47 as drafted was flexible enough to allow for that. If, however, a better wording could be found that did not weaken the fundamental idea expressed in the article, he was ready to consider it.

As to the amendment, he shared the views of the United Kingdom representative. The measures referred to in it were not the "most important prerequisite" in the fight against drug addiction. In Canada, for example, where economic well-being was comparable with that of any other country, such a situation had not prevented the evil from spreading.

In the same way, the cultural level was not a factor in the problem as it occurred in North America. As to medical services, those were highly satisfactory in Canada, where there were 11.1 hospital beds and one physician per 1,000 inhabitants and where national hospital care was widespread and continually growing. In so far as the amendment implied that medicine should be socialized, he said the Conference should not introduce into the Convention provisions which might create constitutional difficulties and so prevent States from ratifying the instrument. Drug addiction was unrelated to the factors mentioned in the amendment. Although he had full sympathy with the objectives stated in the amendment, they had no place in the article. If they were to be mentioned at all in the Convention, the only suitable place was the preamble. In view of the nature of the instrument, however, he doubted whether even that would be appropriate.

In Canada drug addiction was a penal offence, and in his opinion strict enforcement measures were among the most effective means of fighting that evil.

Mr. KOCH (Denmark) supported the general principle laid down in article 47. A complete absence of drug addiction, which would make an article of that nature superfluous, would doubtless be the ideal situation, but unfortunately under existing conditions such a provision was essential in an instrument on narcotic drugs.

In Denmark, drug addiction did not come under the penal laws, but was a matter for the medical services, which treated the patients and endeavoured to readapt them to life in society. As compulsory treatment in a closed institution was regarded as the last resort, the Danish delegation would find it difficult to accept the somewhat categorical provisions of paragraph 2, even though they were clearly in the nature of a recommendation only. What was the most suitable treatment for each specific case was a question for the physicians of each country. A formula along the lines of that suggested by the representative of the United Kingdom was therefore to be preferred. If it was desired to draw special attention to the possibility of treatment in a closed institution, the right means would be a resolution in the Final Act.

As to the amendment, he said that the concern which it reflected was certainly shared by all States. However, a provision of that kind would be out of place in the Convention, for, as the representative of Canada had said, there was no obvious relationship between drug addiction and the economic level of a country. The Danish delegation was therefore unable to support the amendment and would vote against it.

Mr. RODRIGUEZ FABREGAT (Uruguay) said that the treatment of drug addicts was of such social importance that some provision on the lines of article 47, paragraph 1, was essential. While drug addiction was not a problem in Uruguay, the statements of some of the representatives on its causes and origins showed that it might become one. The fight against drug addiction should be based on humanitarian considerations.

He was glad to say that a Uruguayan scientist had just discovered a product which could be used against cancer and which, because it was not habit-forming, would represent a magnificent contribution to improving the well-being of mankind.

Article 47, paragraph 1, merely gave official sanction to what many States had already undertaken. The Uruguayan delegation was of the opinion that drug addiction should be considered from the medical, rather than the penal point of view. The individual's economic status was of little importance in that regard: addicts were found in all classes of society. The State should therefore protect its citizens through curative and preventative measures. Whether or not paragraph 1 took the form of a recommendation was immaterial. A recommendation in any case implied an obligation because the principles mentioned were universally recognized as valid.

As to paragraph 2, he said it was dangerous to lay down so many conditions. Besides, the Conference was not asked to indicate the method of treating drug addicts, as modern techniques were being improved every day. The choice of treatment could thus be left to the specialists.

The joint amendment merely listed the objectives at which all States were aiming. In Uruguay, all levels of education were free, and, in addition, primary education was compulsory. Medical services were accessible to all. The principles contained in the amendment were thus already being put into practice in Uruguay. However, since they stated that the individual was entitled to better living conditions, education and other basic human rights, it would be as well to include them in the Convention, whether in article 47 or elsewhere.

Mr. ESTRELLA (Peru) said that paragraph 2 was restrictive and that it would be better to adopt a wording which was not as likely to become out-dated by scientific progress. As to the amendment, he said it was so general that it might more suitably be placed in the Convention's preamble.

Mr. BANERJI (India) conceded the value of the principles underlying the amendment now before the Conference but thought that it would be out of place in the Convention, to which it added nothing. Nor for that matter was he convinced that higher levels of living necessarily meant less addiction. It had been found that the use of tranquillizers and barbiturates was more widespread in the highly developed countries, where people had more money and were under greater strains than in the less developed countries. His delegation could not therefore see the usefulness of adding a provision of that kind to the Convention.

Mr. SOSA (Panama) said that he was prepared to support article 47 as it stood. Paragraph 1 could not give rise to any objections, and paragraph 2 implied no obligation, since the measures it advocated were subject to certain conditions. He saw no objection to having it put in the form of a recommendation.

Mr. LIMB (Korea) said that the principle underlying article 47 was entirely acceptable to his government,

as it was consistent with the law of 1957 on the control of narcotic drugs, which provided for the compulsory treatment of drug addicts in closed institutions.

Mr. BITTENCOURT (Brazil) said that his delegation was in agreement with the broad principle contained in the amendment that States should improve the economic and social well-being of their peoples, in order to raise their cultural level and improve their health and sanitary conditions; he could not see how anybody could quarrel with that idea. He did not consider that there was a strict consequential relation of cause and effect, with the implication that the bettering of standards of living would automatically bring about a solution for drug addiction. He considered the amendment dealt only with one aspect of the question, since there were also large numbers of drug addicts among the wealthier educated classes of society. He suggested that that wide statement of principles should rather be included in the Final Act than in the Convention. Article 47, furthermore, dealt with treatment, whereas the amendment concerned prevention.

Miss HARELI (Israel) observed that the treatment of addicts was as important as the fight against abuse and illicit traffic. Nevertheless, article 47 should be worded more flexibly in order to allow for the different situations prevailing in the various countries and also for eventual scientific progress. It should, moreover, be worded as a recommendation.

Mr. SHADOURSKY (Byelorussian Soviet Socialist Republic) said that the amendment should be regarded as a recommendation and not as a proposal which would oblige governments to alter their medical services. If the Convention was to remain valid for a number of years, it should cover not only treatment, but also prevention.

Dr. MABILEAU (France) drew attention to the value of education, in the broadest sense of the word, in the prevention of drug addiction. The danger was not confined to the less educated; it was not so much a question of the level of education as of ignorance of what was involved. The Hungarian representative had quite rightly pointed out that there were more addicts among physicians than among pharmacists; the reason was that training in pharmacy entailed a thorough knowledge of all types of narcotic drugs. At the same time, an increase in addiction had been noted in countries where mild forms of synthetic narcotics were sold. He suggested that the preamble of the Convention should contain a warning against ignorance on the subject.

The PRESIDENT proposed that the French representative's suggestion should be referred to the drafting committee.

It was so agreed.

The PRESIDENT put the joint amendment (E/CONF. 34/L.9) to the vote.

The amendment was rejected by 23 votes to 17, with 7 abstentions.

The PRESIDENT put to the vote the proposal of the representative of Ghana that paragraph 1 should be in the form of a recommendation.

The proposal was rejected by 15 votes to 2, with 28 abstentions.

The PRESIDENT put to the vote the proposal of the representative of Burma that paragraph 2 should be in the form of a recommendation.

The proposal was adopted by 29 votes to 8, with 11 abstentions.

The PRESIDENT put to the vote the proposal of the representative of Sweden that the last part of paragraph 2 should be replaced by the words "...best endeavours to establish adequate facilities for the effective treatment of drug addicts."

The proposal was adopted by 34 votes to 7, with 6 abstentions.

The PRESIDENT suggested that article 47, as amended, should be referred to the drafting committee.

It was so agreed.

Article 12 (Secretariat of the Commission)

Article 24 (Administrative services of the Board) (resumed from the 21st plenary meeting)

The PRESIDENT invited the Conference to continue the debate on articles 12 and 24. He drew attention to two amendments which had been submitted: one sponsored by Afghanistan, Brazil, Denmark and the United States of America (E/CONF.34/L.10) and the other by France and India (E/CONF.34/L.16). The comments of the Advisory Committee on the administrative arrangements under the Single Convention were before the Conference (A/4603, transmitted by E/CONF.34/7 and Corr. 1), as were those of the PCOB and DSB (E/CONF.34/8) and the verbatim text of the statement made by the President of the PCOB at the 17th plenary meeting (E/CONF.34/L.11).

Mr. TABIBI (Afghanistan) said that there were five main reasons why the administrative functions of the proposed Commission and Control Board should be performed by a single secretariat. First, the Advisory Committee on Administrative and Budgetary Questions had concluded, after a thorough study of the question, that it would be best to merge the secretariats of the Commission on Narcotic Drugs and the new Control Board within the Division of Narcotic Drugs. Also the fact that the Advisory Committee's conclusions had been unanimously endorsed by the General Assembly meant approval by the governments taking part in the Conference. Secondly, the Secretary-General's survey group which had reviewed the organization of the secretariat (paragraph 74 of its report, cited in A/4603, para. 10). Thirdly, the PCOB and DSB could, from the technical and legal points of view, be regarded as organs of the United Nations, and their secretariats should accordingly be furnished by the Secretary-General in consideration not only of the consistency which marked United Nations administrative activities but also of

budgetary requirements. Fourthly, it was undesirable to have a complicated apparatus which would involve duplication of effort and create complications for the parties to the various conventions. Fifthly, even if the Conference decided to give the Control Board a separate secretariat to preserve its independence, the staff of both secretariats would have to be provided by the Secretary-General and would be governed by the same regulations as other staff of the United Nations Secretariat, since under the terms of article 6 of the draft Single Convention the expenses of the secretariat would be borne by the United Nations. As the Executive Secretary had said, the circumstances which had led to the inclusion in the 1925 Convention of certain articles relating to a separate and independent secretariat no longer existed. Moreover, it was very unlikely that the sanctions provided for in the 1925 Convention would ever have to be imposed or that the Permanent Central Opium Board and its secretariat would consequently be called upon to exercise their judicial powers. The United Nations Office of Legal Affairs was well equipped for meeting such a contingency. For all those reasons his delegation had decided with certain others to submit an amendment (E/CONF.34/L.10) to articles 12 and 24 of the draft Single Convention.

His delegation could not support the amendment of France and India to article 24 (E/CONF.34/L.16). The two paragraphs of that amendment contradicted each other since they stated that the secretariat of the Control Board would be provided by the Secretary-General, but would be responsible solely to the Board. Furthermore, the second paragraph implied that there would be two secretariats, one for the Board and the other for the Commission.

Mr. EVANS (United States of America) said that as one of the sponsors of the amendment submitted by the representative of Afghanistan, he also believed that it was preferable to have a single secretariat. That arrangement would permit of greater flexibility to the extent to which special services might be provided by the United Nations Secretariat.

Mr. KENNEDY (New Zealand) said that his delegation had voted in favour of resolution 1587 (XV) in which the General Assembly had approved the recommendations of the Advisory Committee. He did not think that the decision of the General Assembly should be modified. The independence of the Control Board would in no way be jeopardized by the existence of a single secretariat within the Division of Narcotic Drugs, for the activities of the Board would depend on the resolutions adopted by its members. Furthermore, a single secretariat would make it possible to avoid duplication and to make use of the legal services of the United Nations Secretariat. His delegation was therefore in favour of a single secretariat and consequently of the amendment submitted by Afghanistan and other delegations. It could not support the amendment submitted by the French and Indian delegations, because that amendment would prevent the unification of the two secretariats.

Dr. MABILEAU (France) said that the amendment which France had submitted jointly with India was only a compromise proposal intended to take into account the complexity of the problem as explained by the President of the PCOB in his statement. In that connexion it was noteworthy that the General Assembly had not taken a decision in favour of a single secretariat; it had only requested the Conference to study the report of the Advisory Committee. The Advisory Committee had itself considered a compromise solution, for paragraph 16 of its report said that if a separate secretariat was envisaged for the Control Board, provision should be made for the Secretary-General to nominate and subsequently appoint the secretary and staff of the Board, subject to approval by the latter, in lieu of nomination by the Board and appointment by the Secretary-General. That was the compromise solution put forward in the amendment submitted by India and France, which provided for the appointment of the secretariat of the Board by the Secretary-General after consultation with the Board. There would therefore not be two secretariats in the organic sense, but a functional separation so that if the independence of the Commission and the Board were accepted, the secretariat officials would be responsible not in every part of their working life, but only in their technical duties to one single authority.

Mr. BITTENCOURT (Brazil) said that from the viewpoint of sound administration the principle of double secretariats was questionable and that it was preferable to have only one secretariat. He recalled that the first draft of the Single Convention had provided for a single secretariat, forming an integral part of the United Nations Secretariat; and that the Commission on Narcotic Drugs at its fourth session had accepted the Secretariat's views that that would be a sound arrangement administratively and would simplify the tasks of governments in the matter of communication with the control bodies (E/1361, section 12, p. 30). He sustained the principle that the United Nations Secretariat was a unified independent and objective organ. His delegation had voted in favor of General Assembly resolution 1587 (XV). The historical reasons which favoured separate secretariats for PCOB and DSB and for the Commission had very limited application to the present problem. There was, moreover, no reason to fear that a single secretariat might endanger the independence of the Control Board, which was amply provided for by other provisions of the Convention.

Mr. BANERJI (India) said that his delegation had voted in favour of General Assembly resolution 1587 (XV). In his view, however, the amendment which he had submitted jointly with the representative of France was not in any way inconsistent with the General Assembly decision or with the concept of a single secretariat. The amendment was not, in fact, essentially different from that sponsored by Afghanistan; it was mainly in their wording that the two differed. The second paragraph of the amendment sponsored by France and India was indeed only expressing an obvious truth. It followed naturally that the secretariat of the Board, being appointed by the Secretary-General, should

be responsible to him from the administrative point of view, but as that secretariat was placed at the disposal of the Board, it had to be responsible to the Board in technical matters. Technical authority and administrative authority were quite distinct. Moreover, although consultation of the kind referred to in the amendment of France and India was current practice, it was preferable to make specific provision for it. His delegation was prepared in that regard to consider a redraft of its proposal on condition that there was no doubt that the Secretary-General would consult the Board before appointing its secretariat.

Mr. KOCH (Denmark) said that he was in favour of the four-power amendment since it was customary to leave the Secretary-General considerable latitude in matters concerning the secretariat. The amendment of France and India would on the contrary have the effect of unduly restricting the freedom of action of the Secretary-General who, if he saw fit, could always establish a special procedure for the secretariat of the Control Board.

Mr. ACBA (Turkey) said that the two main reasons given for the establishment of a single secretariat were not well founded. A single secretariat would not be more economical, since the existing staff serving specifically the PCOB would be entitled to an indemnity. Efficiency could scarcely be increased, since the DSB and PCOB secretariats had always given complete satisfaction to the parties. His delegation was therefore in favour of two separate secretariats. It found the two-power amendment satisfactory on the whole, but would prefer the words "after consultation with the Board" to be replaced by the words "subject to the agreement of the Board", since it was essential that there should be perfect harmony between the Board and its secretariat.

Mr. KRUYSSSE (Netherlands) said that he was in favour of a single secretariat. While harmony was indeed necessary between the Board and its secretariat, the procedure envisaged in the two-power amendment was not satisfactory, since it might lead to a conflict of authority between the Board and the Secretary-General. The independence of the Board would be safeguarded by the fact that its secretariat would be a separate entity within the United Nations Secretariat to the extent that important functions would be assigned to it.

Mr. TABIBI (Afghanistan) said that the Advisory Committee, contrary to the impression given by the representative of France, had expressed a clear preference for a single secretariat in paragraph 17 of its report. As the representative of India had declared his readiness to accept drafting changes in his amendment, it was to be hoped that an agreed text could be worked out.

The meeting rose at 6 p.m.

TWENTY-FIFTH PLENARY MEETING

Tuesday, 28 February 1961, at 11.05 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 12 (Secretariat of the Commission) (continued)

Article 24 (Administrative services of the Board) (continued)

The PRESIDENT invited the Conference to continue the debate on articles 12 and 24 and on the amendments thereto (E/CONF.34/L.10 and L.16).

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that he had preferred to postpone his statement on articles 12 and 24 until he had had an opportunity of hearing the opinions of the various representatives. He had little to add to the views of the PCOB and its president (E/CONF.34/8 and E/CONF.34/L.11); he wished, however, to clarify certain points raised and briefly to answer some criticisms that had been made in the statement by the secretariat.

In the first place, the matter under consideration was of great importance and complexity, as the President of the PCOB had already pointed out. Secondly, it was essential to adopt an objective and long-term approach to the articles in question, since the arrangement eventually worked out would have to last for a long time. Any unduly rigid provisions might have a harmful effect on the future operation of the Convention. Therefore, whatever decision was taken should guarantee international interests; in that respect, it was fortunate that the problem involved no political or national considerations and could be examined solely on its merits.

It had been said that, since the General Assembly had dealt with the administrative aspects of the draft Single Convention and had adopted resolution 1587 (XV), consideration of the matter in the Conference would be a mere formality in the case of those representatives who had voted for the Assembly's resolution. It had been suggested, in fact, that the representatives would be more or less bound by the General Assembly's deliberations on the subject. He was not at all sure that that view was correct. He understood that there had been no discussion on the merits of the question and that the Assembly had merely adopted a resolution as a basis for further discussion by the Conference. He recalled that the representative of the Soviet Union in the Fifth Committee had said that the Committee should not ask the General Assembly to endorse the Advisory Committee's report, but merely to bring it to the attention of the Plenipotentiary Conference for due consideration (A/C.5/SR.809). Moreover, it seemed reasonable to suppose that, since the Advisory Committee had prepared its report (A/4603) in contemplation of

the Conference and on the basis of the articles in the draft Convention, the report should be referred to the Conference for a final decision. Therefore, General Assembly resolution 1587 (XV) could hardly be considered a binding decision which was not open to further discussion.

The administrative position in the past was clearly set out in paragraph 13 of the Advisory Committee's report. The provisions governing the secretariat of the PCOB were contained in article 20 of the 1925 Convention. Those provisions were clearly never intended to divest the Secretary-General of his responsibility for the secretariat, but merely to ensure that while the secretariat of the PCOB should be part of the United Nations Secretariat, the PCOB should be independent both in theory and in practice. There was nothing in the Advisory Committee's report to suggest that any special difficulties had been encountered in the working of that arrangement, or that it had weakened the Secretary-General's responsibilities.

If the arrangement had worked satisfactorily for some thirty years, it might be asked why it should be changed. The Advisory Committee had advanced a number of arguments in favour of administrative changes (report, para. 14). In the first place, it considered that as a separate secretariat would be a very small unit, its members would tend to become indispensable to the Board, thereby reducing the possibilities of inter-departmental transfers. From the administrative point of view, that was certainly an argument to be taken into account, as the President of the PCOB had himself conceded.

Secondly, the Advisory Committee had referred to overlapping and duplication between the Division of Narcotic Drugs and the joint secretariat. Naturally, where two bodies dealt with the same subjects, there was bound to be a degree of overlapping; it was for the Conference to consider whether there was at present so much overlapping and duplication as to necessitate a unified secretariat. The duties of the PCOB as laid down in the two conventions of 1925 and 1931 were for the most part quite specific and if any overlapping occurred, it was largely in connexion with the illicit traffic—a question he would take up later.

Thirdly, the Advisory Committee had suggested that a single secretariat would be more economical and efficient. Naturally, that was a point which the Conference would have to consider. It might, however, also take into account the statement made by the President of the PCOB that for over thirty years the Board had had a small staff of nine. If the two secretariats were combined, it might be possible to effect some savings at the supervisory level, but it was doubtful if any large savings could be effected immediately. As the representative of India had pointed out, even if there were to be a single secretariat, it would be necessary as a matter of administrative convenience for a section of that secretariat to deal with matters affecting the PCOB and DSB. It would also be administratively desirable to have a measure of stability in that section and to avoid staff changes at frequent intervals. Again, if there was

a combined secretariat, a situation might arise in which the chief officer of the Board would be discharging a dual function as the Secretary-General's representative in the International Narcotics Commission, where he would be dealing with representatives of governments, and as head of the Board's secretariat. It was for the Conference to determine whether such a situation would be in the interests of the efficient working of the narcotics control system, as envisaged in the Convention. While the present Director of the Division of Narcotic Drugs could well discharge those functions, there was no certainty that the services of such a person could be secured in the future.

Lastly, it had been suggested that arrangements on the lines of article 20 of the 1925 Convention would make appropriate geographical distribution difficult to achieve. It was, of course, axiomatic that the smaller a unit, the more difficult it was to achieve equitable geographical distribution. It was, however, his assumption that that principle was intended to be applied to the secretariat as a whole, rather than to individual units. If he was mistaken in that assumption, there would of course be an overwhelming argument in favour of establishing a single secretariat.

So far as the budgetary aspects of the question were concerned, the Advisory Committee had indicated that no difficulties had been encountered under the existing arrangement (paras. 18-21).

There was, perhaps, some feeling that the present system might to some extent diminish the Secretary-General's responsibilities or weaken his position. If that were so, he would draw attention to the statement made by the President of the PCOB at the 17th plenary meeting that if the Conference should express a preference for the *status quo*, it would be possible to introduce provisions designed to reduce possible inconveniences to the Secretary-General to a minimum. He had gone on to suggest some adjustments that might be made. The main point to consider was whether the arrangement for a single secretariat would adversely affect the position of the future Board. It seemed to be generally agreed that there was a need for an independent Board, and he therefore felt confident that the Conference would take no action that would impair the efficient functioning of the future Board.

Finally, he had some brief comments on points of detail referred to in the statement of the Executive Secretary. In the first place, he could not agree with the parallel he had drawn between the PCOB and the WHO Expert Committee on Addiction-producing Drugs. The position of the WHO Expert Committee vis-à-vis WHO was entirely different from the relationship of the PCOB to the Commission on Narcotic Drugs. Surely the position of the Board was much stronger than that of the WHO Committee in that two distinct categories of duties were provided for in the Convention, one being entrusted to the Commission and one to the Board. On the other hand there was no such demarcation of functions between WHO and the Expert Committee, which merely carried out the tasks entrusted to it by WHO.

The Executive Secretary had suggested that the work of the joint secretariat of the PCOB and DSB was of a more routine character than that of the United Nations and WHO, which was concerned with the whole field of narcotics control. It was true that, inasmuch as the PCOB secretariat carried out directives, its work was largely mechanical and not of a policy-making character, but he hardly felt that was sufficient justification for describing its work as routine.

The Executive Secretary had said that there was some duplication in the field of the illicit traffic. He would point out, however, that the same set of statistics might be employed by two separate bodies for somewhat different purposes. In the case of information on the illicit traffic, for instance, the PCOB was concerned with such information only in relation to its duties under the conventions, while the Commission had to evolve a policy applicable to a number of governments.

He had endeavoured to clarify certain points, since the question of administration was of vital importance to the future control system. He hoped that the Conference would bear in mind that if a rigid provision was included regarding a single secretariat, it might be difficult to change the arrangement in the future. Accordingly, it might be advisable to draft a more flexible provision leaving the Secretary-General free to make such arrangements as he considered best for the efficient functioning of the Board and the Commission and, if necessary, to revert to the existing system, which had the merit of being tried and of having proved satisfactory.

Mr. RODIONOV (Union of Soviet Socialist Republics) said there appeared to be a consensus in the Conference on the following five principles: there should be a single secretariat; the unified secretariat should be provided by the United Nations Secretariat; it should be a part of the United Nations Secretariat; at the administrative level, it should be subordinated to the United Nations Secretariat; and at the technical level, it should be subordinated to the Commission or the Board. His delegation was prepared to accept those five principles.

In his view, the proper procedure would be to refer the proposed amendments to an *ad hoc* committee. He would comment on matters of detail in the Committee.

Mr. ASLAM (Pakistan) said that his delegation was still not convinced that the Board required a separate secretariat. Mr. Krishnamoorthy had suggested that a more flexible provision might be drafted to permit the Secretary-General to make such arrangements as he considered best. But surely, such a provision would be vague rather than flexible, and would merely give rise to additional difficulties. The Conference should take a clear-cut decision on articles 12 and 24. On the question of the Board's independence, his delegation failed to see how the freedom of action of the members of the Board, who were persons of high standing and reputation, could be restricted by the establishment of a single secretariat. His delegation would support the four-power amendment (E/CONF.34/L.10).

Mr. YATES (Executive Secretary) shared Mr. Krishnamoorthy's view that the problems raised by articles 12 and 24 called for an impartial approach. The dichotomy arising from the arrangements laid down in article 20 of the 1925 Convention meant that the representatives of the Secretariat had the invidious task of pointing out when positions taken by the secretariat of the PCOB were not in accordance with views of the General Assembly, the Economic and Social Council or the Secretary-General; the same arrangements put the representatives of the PCOB in the position of opposing arguments, for instance, of the Advisory Committee. Fortunately, all concerned had excellent personal relationships. Also the United Nations Secretariat had received many instructions from the General Assembly and the Council concerning concentration of efforts and resources, and, as the relevant part of the Secretariat, the Division had the duty to co-ordinate, as far as possible, activities and instructions under the Charter and under the treaties.

A number of representatives had been impressed by the argument that "no man could serve two masters". But the report of the fifth session of the Commission on Narcotic Drugs (E/1889/Rev.1, para. 115), which had introduced the argument, had omitted an essential part of the quotation. The masters in the quotation were God and Mammon, and that was not the choice in the particular case.

In fact, it was common for units in international secretariats to serve more than one body. The United Nations Division of Human Rights, for instance, provided services for the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on the Status of Women, the Economic and Social Council and the Third Committee of the General Assembly. Those bodies had frequently held differing opinions, to a much greater extent, indeed, than the Commission and the PCOB, which had had no significant differences during the United Nations period. The members of the bodies using the services of the Division of Human Rights would agree that the secretariat arrangements had provided an element of continuity and had tended to decrease rather than increase the differences of opinion between the various bodies.

Agreement with the principle of the Board's independence was not in question; it was secured primarily by article 13 of the Single Convention.

If the four-power amendment (E/CONF.34/L.10) was adopted, the Secretary-General would undoubtedly consult the Board concerning the arrangements for services; and the Board would, of course, need some staff to serve it on a continuous basis. The question of the payment of indemnities to the existing staff of the PCOB, to which reference had been made by the Turkish representative at the preceding meeting, would not arise, since all the members of the joint secretariat had permanent contracts, and as the adoption of the Single Convention would increase the workload of the secretariat, there would in fact be no displacement problem.

In his statement at the 21st plenary meeting, he had

mentioned certain specific points mainly because they had been raised in document E/CONF.34/8. Most of the points he had raised then had been brought to the attention of the PCOB on previous occasions: that concerning the illicit traffic, for example, had been discussed often at PCOB meetings. Other instances of duplication and overlapping which he had not mentioned then concerned miscellaneous correspondence, missions, and administration of the international control system of import and export authorizations under chapter V of the 1925 Convention. It was the Division's view that overlapping of that sort was inherent in the constitutional position established by article 20. The joint secretariat of the PCOB and DSB itself had said: "In our experience, the overwhelming disadvantage of the existing international instruments and the system they set up had been their complexity. The texts are involved and contradictory; the administrative machinery which has been set up is too complicated and gives rise to overlapping." The principle of geographical distribution admittedly was bound to be of limited application in a small unit like the Board's secretariat. However, if it were administered in the same way as the rest of the United Nations Secretariat, a more equitable geographical distribution might then be achieved. Eleven nationalities from all major regions of the world concerned were represented in the sixteen professional posts of the Division of Narcotic Drugs, and seven other nationalities had been represented in the Division since 1947, whereas all the staff members in the joint secretariat were from one continent.

Turning to the matter of the WHO Expert Committee on Addiction-producing Drugs, he explained that he had not intended to draw a complete parallel between that body and the PCOB, but simply to point out that that committee in effect took decisions under the Convention which had important commercial implications and that it accordingly had "semi-judicial" functions.

The PRESIDENT suggested that the amendments might be put to the vote forthwith.

Dr. MABILEAU (France) said that his delegation had joined the Indian delegation in proposing a compromise amendment (E/CONF.34/L.16) which would safeguard the independence of the Board and at the same time would not contravene the principles outlined by the representative of the USSR. In his view, therefore, it would be unfortunate to put the amendments to the vote immediately; he hoped that a unanimous decision would be achieved by further consultation. The articles should not be referred to an *ad hoc* committee, however; it would be best to try to work out a solution in plenary.

Mr. RABASA (Mexico) said that his delegation had taken note of General Assembly resolution 1587 (XV) and of the report of the Advisory Committee. Since the Commission on Narcotic Drugs had been able to function satisfactorily with the services provided by the United Nations Secretariat, there was no reason why the future Board should not do the same. His delegation would vote for the four-power amendment which gave effect to the Advisory Committee's recommendation—that the Single Convention should limit

itself to providing that all necessary secretariat services should be furnished to the Commission and the Board by the Secretary-General (A/4603, para. 17).

Mr. GREEN (United Kingdom) hoped that the articles would not be referred to an *ad hoc* committee; the matter might indeed be settled by putting the amendments to the vote immediately. There was in fact little difference between the two amendments; what was spelled out in the one was implicit in the other.

Mr. TABIBI (Afghanistan) wished to assure Mr. Krishnamoorthy that, in sponsoring the four-power amendment, his delegation had not acted in a partisan spirit. His delegation had rather given weight to the Advisory Committee's report strongly supporting the establishment of a single secretariat; it had taken note of the fact that the conditions prevailing when the 1925 Convention had been drawn up no longer existed; it had also been influenced by the fact that the independence of the Board would be safeguarded by article 13 of the Single Convention. The long discussion which had taken place had left his delegation all the more convinced that a single secretariat would operate most effectively. No useful purpose would be served by referring the article to an *ad hoc* committee.

Mr. CURRAN (Canada) agreed that the articles should not be referred to an *ad hoc* committee. He asked whether the word "those" in the four-power amendment had any special significance.

Mr. De BAGGIO (United States of America) replied that "those" merely meant "those services".

Mr. RODRIGUEZ FABREGAT (Uruguay) said that there was a difference not only of wording but of substance between the four-power amendment and the two-power amendment. He supported the former, which stated clearly that there should be a single secretariat, mainly because he was utterly opposed to the establishment of independent units to carry out tasks that should be the responsibility of the United Nations Secretariat as a whole.

In paragraph 1 of document E/CONF.34/8, the PCOB and DSB stated that the independence of the Board followed from the nature of its functions, which were basically control functions and devoid of any political character. The last sentence of the same paragraph stated that the Board's effective independence was laid down in article 20 of the 1925 Convention. In that connexion, he wished to make two points. First, his delegation had always maintained that, within the United Nations, it was not possible entirely to separate technical from political functions because the decisions taken involved the responsibility of governments. It strongly opposed the idea that delegations could express views on technical matters without engaging the political responsibility of their governments, and the same rule applied to secretariats. The United Nations was a world body and should be considered as a unit; to allow the Board's secretariat to function as an independent unit would be an undesirable division of secretariat tasks and tantamount to making the Board a non-

United Nations organ. Secondly, a great deal had happened since 1925. The second world war had been followed by the establishment of the United Nations, the guardian of the Charter, which embodied the principles of the new world order. The responsibilities of the organization were world-wide and its secretariat should not be divided into small separate units. Rules which had worked in 1925 no longer applied.

The two-power amendment seemed unsatisfactory. First, it was not clear how staff appointed by the Secretary-General could be responsible to anyone but him; and yet the amendment stated that the Board's secretariat would be responsible solely to the Board in technical matters. Secondly, did the words "while serving it in technical matters" imply that the secretariat would have other, possibly political, functions? Thirdly, if so, to what authority would the Board's secretariat be responsible in the exercise of those other functions?

He was not challenging the principle of the independence of the Board, which everyone recognized as necessary if it was to carry out its task satisfactorily; but he could not vote for any proposal which would deprive the United Nations of any of its functions. He would vote for the four-power amendment, on the understanding that the secretariat services of the Commission and the Board to be furnished by the Secretary-General would be adapted to the nature of the tasks to be carried out by each.

Mr. BANERJI (India) said that there was very little difference between the four-power amendment and that which his delegation had sponsored. Both provided that the secretariat of the Board should be furnished by the Secretary-General, a principle on which all delegations were agreed. The only criticisms made of the two-power amendment related to the second sentence, and they were probably due to a misunderstanding. All that the sponsors had had in mind was the same kind of dual responsibility of secretariat members as occurred within national civil services. Although appointed by the central authorities, every civil servant was responsible also to the ministry or authority for which he worked. The Secretary-General would obviously have full control of his staff, but the secretariat of the Board would be responsible to the Board in technical matters. What the sponsors had intended to convey by the second sentence was that in administrative matters, the Board's secretariat would be responsible to the Secretary-General, although it would be responsible to the Board while serving it in technical matters. The duties to be carried out by the secretariats of the Commission and the Board were obviously different because of the different nature of the two bodies, but in both cases the staff concerned would be responsible administratively to the Secretary-General. There was so little divergence between the two amendments that the Conference could easily reach agreement without a vote.

Mr. Archibald JOHNSON (Liberia) said that the statement just made by the Indian representative had removed many of his own misgivings with regard to the two-power amendment. Both the amendments had

been so thoroughly discussed that they should be referred to an *ad hoc* committee.

Mr. NICOLIC (Yugoslavia) said that he was somewhat puzzled by the fact that, although both amendments provided for a single secretariat, delegations were still discussing the pros and cons of such a secretariat. After such an exhaustive discussion, the only way to clarify the attitude of the Conference was to put the principle of a single secretariat to the vote.

The PRESIDENT pointed out that the four-power amendment had been submitted to meet a point made in the first sentence of paragraph 17 of the Advisory Committee's report. The two-power amendment, on the other hand, contained other ideas.

Mr. KHRISHNAMOORTHY (Permanent Central Opium Board) pointed out that although the four-power amendment embodied the idea of a single secretariat, expressed in the first sentence of paragraph 17 of the Advisory Committee's report, that sentence had to be read in conjunction with the second sentence of the same paragraph. For that reason, more than a mere decision of principle was involved. The two-power amendment introduced another idea, the independence of the Board's secretariat in technical matters. The Conference should take a decision on those two quite different ideas.

Mr. YATES (Executive Secretary) pointed out that the idea of a separate secretariat for the Board had been mentioned by the Advisory Committee, but only as a second best and subject to specific amendments of the provisions of article 24 (report, para. 16). However, as the Indian representative had stated, under both proposals the Secretary-General was to provide the secretariat for the Board.

The PRESIDENT asked the Conference to decide whether the amendments should be put to the vote immediately.

By 40 votes to 6, with 6 abstentions, the Conference decided that the amendments should be put to the vote.

The PRESIDENT put the four-power amendment to the vote.

The amendment (E/CONF.34/L.10) was adopted by 35 votes to 4, with 14 abstentions.

Article 7 (Constitutional position and continuity of functions of the Commission)

Article 10 (Decisions and recommendations of the Commission)

Article 11 (Functions of the Commission)

Article 13 (Composition of the Board)

Article 14 (Terms of office of members of the Board)

Article 15 (Privileges, immunities and remuneration of members of the Board)

Article 16 (Rules of procedure of the Board)

Article 19 (Functions of the Board)

Article 23 (Reports of the Board to the Council and parties)

(Resumed from the 20th and 21st plenary meetings)

The PRESIDENT suggested that articles 7, 10, 11, 13 to 16, 19 and 23, should be referred to an *ad hoc* committee composed of Afghanistan, Australia, Bolivia, Brazil, Canada, China, Czechoslovakia, France, Federal Republic of Germany, Ghana, Hungary, India, Indonesia, Iran, Republic of Korea, Liberia, Mexico, Morocco, Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

It was so agreed.

The meeting rose at 1.25 p.m.

TWENTY-SIXTH PLENARY MEETING

Monday, 6 March 1961, at 11.15 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

The PRESIDENT said that the Conference would consider next chapter IX (Measures against illicit traffickers), consisting of articles 44, 45 and 46.

Article 44 (International co-operation)

The PRESIDENT drew attention to the amendment submitted by the United Kingdom (E/CONF.34/C.4/L.4/Rev.1).

Mr. YATES (Executive Secretary) said that chapter IX of the draft Single Convention was very largely taken from the 1936 Convention. That instrument had been ratified by fewer States than any other treaty relating to narcotic drugs, one reason being that it was primarily based on European continental law, which made it difficult for the common law countries to accept. The new draft attempted to reconcile the two systems; and it was most important that the wording of that part of the Convention should be fairly flexible. In that regard, he drew attention to the Secretariat's note on drafting and terminology (E/CONF.34/C.6/L.4).

As means of combating the internationally organized illicit traffic, penal law and procedure should be governed by three considerations. Firstly, the penalties should be effective—in other words, they should not be mere fines, for example, which did not in themselves constitute a sufficiently effective penalty. The idea of what penalties were “effective” varied from country to country. Secondly, all forms of participation in the offence (such as incitement, encouraging others to enter into a conspiracy, etc.) should be duly covered and the offence should be punished at the earliest possible stage (“preparatory acts”), although the legal system of a number of countries often made early action difficult. Nevertheless, the punishment of an offence at its inception would have a deterrent effect and would prevent the act from being

completed. Thirdly, the offender should not escape prosecution because a court lacked jurisdiction on purely technical grounds; in other words, offences committed abroad should be punished to the fullest extent possible.

Mr. GREEN (United Kingdom), introducing his delegation's amendment, which merged articles 44 and 25, said that paragraph 1 was taken from article 25, with the addition of a provision relating to communication between the special administrations. Paragraph 2 reproduced paragraph 1 of article 44. Paragraph 3 dealt with co-ordination among the administrations responsible for implementing the provisions of the Convention in terms that were more acceptable than those of the 1936 Convention.

Mr. BITTENCOURT (Brazil) said that the 1936 Convention, on which articles 44 and 45 were based, had been ratified by only twenty-seven countries, first, because it had been regarded as infringing national sovereignty in the matter of penal law, and secondly, because of a belief that provisions of that kind should be sufficiently flexible to be generally acceptable but not too vague. Those objections had been taken into account in the drafting of articles 44 and 45 of the draft, and his delegation hoped that the majority of the countries represented at the Conference would be able to accept those articles. If not, it would be better to provide for international regulation of only the most serious offences, without attempting to cover the less important ones. On the other hand, if the provisions of articles 44 and 45 should prove acceptable to the majority of delegations, the other countries should be given the opportunity of making reservations thereto. He drew attention to the comment of the International Criminal Police Organization (E/CONF.34/1, *ad* article 44) to the effect that the draft did not take sufficient account of the three fundamental principles underlying the 1936 Convention, without which international co-operation could not be effective: co-ordination of preventive action at the national level, direct co-ordination between the agencies responsible for co-ordination, and the speediest possible transmittal of the legal papers required for prosecuting offenders. His delegation thought that that comment was sound. Prevention and enforcement should be placed on the same plane. He hoped that the Conference would take due account of the comments of the ICPO, which had already proved very valuable during the First Inter-American Meeting on the Illicit Traffic in Cocaine and Cocoa Leaves, held at Rio de Janeiro in 1960, and that the future Single Convention would make it impossible for traffickers to take any further advantage of differences between the various legal systems in order to escape the law. With regard to article 45, he said that all the acts enumerated in paragraph 1, sub-paragraphs (a) and (b), were punishable offences under Brazilian law. The penalties involving fine and imprisonment combined were still considered lenient, but efforts were being made to introduce stricter legislation.

Mr. BANERJI (India) supported the United Kingdom amendment, but suggested that the words "having due

regard to its constitutional, legal and administrative systems" should be added at the beginning of paragraph 1. His delegation also fully endorsed the comments of the ICPO to which the Brazilian representative had referred.

Dr. MABILEAU (France) said that the French delegation had given its views on the question under discussion at the third plenary meeting. It would have no objection to the new text if it had the same scope as the corresponding provisions in existing instruments, but that did not seem to be the case. The Single Convention should provide for a variety of preventive measures to ensure that narcotics were used only for medical and scientific purposes. Wherever the Convention was not applied or observed, the illicit supply of drugs to addicts would have to be curbed. As the Australian representative had pointed out, the intelligence and the power of rings of smugglers, who had vast financial resources and ever more rapid and effective means of telecommunication and transportation, could not be over-estimated. In order to combat them with weapons at least as effective, the enforcement services should have specialized police at their disposal, and their activities should be centralized and co-ordinated on both the national and international levels. Those bodies should be able to communicate quickly with each other in order to break up gangs of traffickers, even in other continents, instead of merely being able to make isolated seizures. The most important principles regarding the centralization of services, direct communications and the transmittal of legal papers had been removed from the draft Convention. It would have been preferable to retain articles 11, 12 and 13 of the 1936 Convention. Moreover, the list of offences in article 45 should include the offence committed by individuals who channelled funds derived from the illicit traffic from the country of purchase to the country of sale. Those individuals were only very rarely brought to justice, although they were the kingpins of the international traffic. The ICPO's observations were useful to the extent that they re-emphasized some of those principles, but they were inadequate. The French delegation could not support the United Kingdom amendment which, while simplifying the text, greatly weakened it.

Mr. GREGORIADES (Greece) said he unreservedly supported the United Kingdom amendment because he considered that article 25 should be amalgamated with article 44. However, in paragraph 1 of that amendment, it might perhaps be wise to add the words "including specialized personnel" after the words "special administration" so as to make the text more explicit. Those words would mean that the special administration should include specialized police and customs officers, as well as scientists specializing in drugs.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the President, said that the ICPO was keenly interested in the draft Convention, particularly in the articles on the illicit traffic, and had taken part in the drafting of the 1936 Convention. In a debate on action against the illicit traffic, it was natural to think of the role of the law enforcement

agencies, and the discussions in the Commission on Narcotic Drugs and the large seizures which the enforcement agencies continued to make showed that, despite past efforts, the illicit traffic was still a matter of grave concern.

He would comment on various specific points when the various articles concerning the illicit traffic were considered; at the moment he wished merely to outline the general position taken by his organization. That position was based on two main considerations: first, the illicit traffic in drugs was difficult to control because it was essentially international and the operations of some traffickers were world-wide in scope; secondly, it was an organized traffic involving a highly developed criminal organization and the participation of hardened criminals with vast resources and contacts in international criminal circles everywhere. It was therefore essential that the enforcement agencies should not be hampered by national frontiers and should have a broad field of action. In order to be effective, the enforcement agencies had to have specialized staff and had to be able to communicate directly with each other. In addition, the principles governing their operations had to be laid down in the international agreements, which were the basis on which the police and the courts had to act. For that reason the ICPO was pleased to note that some of the principles laid down in the 1936 Convention were reproduced in the draft Single Convention, in particular those concerning the punishment, extradition and prosecution of offenders. It regretted, however, the absence of two fundamental principles vital to the effective working of the enforcement agencies: direct international co-operation between those agencies and the rapid transmittal of the legal papers required for the prosecution of offenders. As the Conference was endeavouring to simplify the texts and avoid unduly detailed provisions, it was not suggested that articles 11 to 13 of the 1936 Convention should be reproduced in the Single Convention. An article in general terms setting out those two principles might, however, be included.

He drew attention to the suggestions of the ICPO (E/CONF.34/1) and said that he would be happy to explain ICPO's specific objections in that connexion. He hoped that the suggestions would be taken up in formal proposals to the Conference.

Mr. CURRAN (Canada) said that he supported the United Kingdom amendment, which was brief and specific.

Mr. NIKOLIC (Yugoslavia) said that while the United Kingdom amendment was on the whole satisfactory, he would propose the deletion of the words "and shall facilitate direct communication between this administration and the special administrations of other countries" at the end of paragraph 1 in order to avoid duplication with paragraph 2. The paragraph was not concerned with the enforcement agencies, but with the special administration to be maintained by each party to ensure the control of narcotic drugs within its territory. Paragraph 2 also presented a difficulty; if a party was not a member of one of the competent international orga-

nizations referred to in that paragraph, it was questionable whether it would be bound, under that provision, to co-operate with the organization in question without being a member of it.

Mr. ASLAM (Pakistan) considered that the United Kingdom amendment was wholly satisfactory, but said that he could not support the Indian sub-amendment since anything that gave the impression of an escape clause should be eliminated from the text. The Greek representative's sub-amendment did not appear to be essential, since the special administration referred to in paragraph 1 of the United Kingdom amendment would be composed of specialized personnel in all the countries.

The PRESIDENT said that the *ad hoc* committee dealing with article 25 had deferred consideration of that article until the Conference had discussed article 44. An *ad hoc* committee would be necessary to deal with articles 45 and 46 regarding penal provisions. He proposed that the two *ad hoc* committees should be requested to consider articles 25 and 44 jointly. If that suggestion was adopted, the United Kingdom amendment and the various sub-amendments would be referred to those committees.

It was so agreed.

In reply to a question from Dr. MABILEAU (France), the PRESIDENT said that the *ad hoc* committees would take into account all the proposals and suggestions which had been put forward, including those of the ICPO.

Article 45 (Penal provisions)

The PRESIDENT drew attention to the amendments to article 45 submitted by the Netherlands (E/CONF.34/L.5/Rev.1) and Chile (E/CONF.34/L.13).

Mr. CURRAN (Canada) said that, while realizing that adequate penal provisions were essential for suppressing the illicit traffic, he thought it would be difficult to draft such provisions in precise terms because of the constitutional and legal differences existing between the various countries. The provisions would have to be drafted in general terms, which, far from weakening the Convention, would strengthen it by making it acceptable to a larger number of countries. After all, it was because of the differences he had mentioned that so few countries had ratified the 1936 Convention.

As it would not be appropriate at that stage to submit a redraft of article 45, he proposed that the article as it stood should be taken as the basis of discussion, although it was obviously unnecessarily detailed. It would be enough to draw attention to the difficulties raised by the differences between the various constitutional and legal systems so that the *ad hoc* committee could bear them in mind and present a clear report that would enable the drafting committee to draft a generally acceptable provision.

Mr. BOULONIS (Netherlands) said that article 45 was both one of the most important and one of the most controversial articles in the draft Convention. The parties should of course make every effort to fight the

illicit traffic and provide for effective penal sanctions to enforce the Convention. To be effective, however, the Convention should be acceptable to as many States as possible, and hence allowance had to be made for the differences in the criminal law of the various countries. His delegation could not accept the binding character of some provisions of article 45, which were inconsistent with Netherlands criminal law and with the treaties between the Netherlands and other countries concerning extradition and mutual assistance in judicial matters. In the case of paragraph 1, only sub-paragraph (a) was acceptable to the Netherlands, although even its application might create difficulties as the offences listed might be committed simultaneously by the same person. With regard to sub-paragraph (b), he said that conspiracy to commit an offence was not punishable under Netherlands law except in the case of the most serious offences. Conspiracy was only punishable if the offence had begun to be executed. The Netherlands had made a reservation on that subject in signing the Convention of 1936 and would make a similar reservation with regard to the new draft provision. Moreover, his delegation considered that sub-paragraph (c) was outside the scope of the Convention. In the case of paragraph 2, it had difficulties concerning sub-paragraph (a) since no such obligation existed in Netherlands criminal law. Sub-paragraph (b) was likewise unacceptable because under Netherlands criminal law recidivism was only taken into account if there was a specific provision to that effect.

His delegation hoped that the Convention would include a provision regarding international assistance in judicial matters. It believed that law in general, and international law in particular, was developing constantly and that, in the narrow field of the control of narcotic drugs, no method or principle should be laid down which might impede the development of law. For that reason it proposed a redraft of article 45 (E/CONF.34/L.5/Rev.1), based on the general obligation contained in article 4, paragraph 2 (c); that obligation appeared in paragraph 1 of the new version.

Mr. ELLENBOGEN (United States of America) said that the basic principles of criminal law called for certain changes in article 45. In paragraph 1 (b) the words "intentional participation" should be deleted since they were superfluous, a criminal offence including intent by definition. In the United States, intentional participation was not a crime unless it was equivalent to conspiracy to commit or an attempt to commit an offence. He defined the term "attempt" as used in United States criminal law. At the moment, attempts to commit only some of the offences mentioned in paragraph 1 (a) were punishable under United States law and new legislation would therefore have to be enacted in respect of the others. Nevertheless, his delegation was not opposed to the clause.

He went on to propose that the clause dealing with "preparatory acts" (paragraph 1 (c)) should be deleted. As in the case of intentional participation, preparatory acts were punishable in the United States only if they were equivalent to conspiracy or an attempt to commit

an offence. The clause in question would probably obscure the meaning of those terms, and in any case the initial phrase of paragraph 1 would release the United States from the obligation to comply with it.

He proposed that in paragraph 2 (b) the words "and judgements of sentence thereon" should be inserted after the word "offences" and that the words "and shall be deemed to be prior convictions for the purpose of punishment and sentence" should be added to the end of the paragraph. The idea expressed in the clause was not foreign to the penal system of the United States, but that system required that there should be a final judgement of guilt, or, in other words, there must be a sentence before a conviction could be deemed proof of the commission of a prior offence or of recidivism. If the provision was amended as he had proposed, his delegation could accept it.

He proposed that paragraph 2 (c) should be deleted. In United States law, a person could not be prosecuted except within the borders of the State or of the territory in which the offence had been committed. To prosecute a person elsewhere would not be conducive to the best administration of justice and might prevent him, for financial or other reasons, from obtaining witnesses and evidence. No doubt legislation could be enacted to permit the application of the paragraph, but it was contrary to the general United States theory of criminal jurisdiction and seemed incompatible with the spirit of justice. If the provisions on extradition were satisfactory, a clause such as paragraph 2 (c) was superfluous. The paragraph would be less objectionable if it applied only to nationals of the State in which the offender was found. But even with that reservation, it would be better to omit it.

In his delegation's opinion, the following phrase should be inserted in paragraph 3 after the words "paragraph 1 (c)": "if criminal under the laws of the parties". Under various extradition treaties to which the United States was a party, narcotics offences were already recognized as extradition crimes; but that was not the general rule and the United States Government could see no objection—quite the contrary—to amending those treaties in the manner provided for in paragraph 3. However, new legislation would probably be necessary, not only in the United States but also in other countries, to declare the acts specified in paragraph 1 punishable offences. It would therefore have to be clearly indicated that those offences would constitute extraditable offences only if they were punishable under national law. Lastly, he proposed that the passage in paragraph 3 beginning with the words "and that the party" should be deleted. Since extradition treaties had binding force, the obligation to extradite should not be subject to any reservation which might deprive it of all effect. Furthermore, such a reservation might be considered applicable to the provisions concerning narcotic offences in extradition treaties already in force. It would therefore be better to omit the passage.

Mr. MAURTUA (Peru) said that, under Act No. 11005, Peru had introduced a special procedure and set up a special body to curb the traffic in narcotic drugs. Under

the Act all the offences referred to in article 45, paragraph 1, were punishable by terms of imprisonment ranging from two to fifteen years. Deportation or deprivation of civic rights might be imposed as accessory penalties, as appropriate. The Act had set up a National Executive Council which functioned as an independent court, to combat the traffic in narcotic drugs.

His delegation therefore supported article 45, which was in conformity with its national legislation.

Commenting on the Netherlands amendment he said that he preferred paragraph 1 of the third draft, since it took into account the constitutional limitations of the parties; the form of the third draft was also preferable, since all offences were punishable. It would be better to list the various crimes first and then lay down the corresponding penalties. In paragraph 2 (a) (ii) of the Netherlands amendment, the expression "any uncompleted form" was not clear. Did it refer to aiding and abetting, to an attempt to commit an offence or to an unsuccessful offence? The point should be made clear. Paragraph 2 (b) was also unsatisfactory. It stated that "the most appropriate party" would try the offences specified in sub-paragraph (a), thus raising the question of national competence and of jurisdiction. The rules governing competence were based on treaties. Paragraph 3 of the third draft was preferable.

Paragraph 2 (c) of the Netherlands amendment was intended to modify existing extradition treaties so that they would automatically cover all serious offences punishable under the Convention. To achieve that purpose, the States concerned would have to conclude a fresh agreement, which would be feasible in the case of bilateral treaties, but would present difficulties in the case of multilateral treaties.

The third draft included preparatory acts among the extraditable offences. It was intended to cover particularly cases where a State did not consider extradition necessary. The rule of reciprocity and the principle of non-extradition of nationals should not, however, be disregarded.

Paragraph 2 (c) of the Netherlands amendment provided, also, that all the offences in question should be grounds for extradition in countries which did not make extradition conditional on the existence of a treaty.

As far as paragraph 2 (d) of the amendment was concerned, he said that no measure could be accepted which tended, even in the absence of any extradition procedure, to extend the purely territorial application of criminal law.

For all those reasons, his delegation would support the Chilean amendment (E/CONF.34/L.13).

In order to eliminate drug addiction and the illicit traffic, States had to adopt very severe measures. Consequently, crimes had to be punished at every stage of execution. That included intentional participation and preparatory acts, which were punishable in Peru. He could not, therefore, support the United States proposals concerning paragraph 1 (b) and (c).

The meeting rose at 1.5 p.m.

TWENTY-SEVENTH PLENARY MEETING

Monday, 6 March 1961, at 3.5 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 45 (Penal provisions)

The PRESIDENT invited the Conference to continue its debate on chapter IX (Measures against illicit traffickers). He drew attention to the amendments to article 45 submitted by the Netherlands (E/CONF.34/L.5/Rev.1) and Chile (E/CONF.34/L.13).

Mr. YATES (Executive Secretary), in reply to a question asked by the representative of France, gave particulars of the ratification of the earlier conventions: 1925 Convention, 65 countries; 1931 Convention, 76 countries; 1936 Convention, 27 countries; 1948 Convention, 57 countries; 1953 Protocol, 38 countries.

Mr. SHARP (New Zealand) said that he would confine his remarks to those provisions in article 45 which posed problems of principle from his delegation's point of view. One such provision was paragraph 2 (c). Since the criminal jurisdiction of the New Zealand courts was confined almost exclusively to acts which occurred in New Zealand territory, that provision could not be carried into effect in New Zealand without an amendment of the law to accord to the courts a special extra-territorial jurisdiction to try persons in respect of drug offences committed abroad. New Zealand was extremely reluctant to take such action, but even if it were prepared to enact legislation departing from its well-established principles, the use of the word "shall" in the expression "shall be prosecuted" would present almost insuperable difficulties. Since, under New Zealand's judicial system, the onus of proof rested upon the prosecution and since in the case of drug offences committed abroad the evidence and witnesses would probably not be readily available, it would be impossible to give an assurance that all such offenders would be prosecuted. He would therefore prefer the word "shall" to be amended to "may", since it would be difficult to prosecute without legally admissible evidence.

Nevertheless, if the qualifying introductory passage of paragraph 2 could be interpreted to mean that States whose normal criminal jurisdiction was territorial in character and which objected to extending that jurisdiction to cover drug offences committed abroad were not in fact bound to comply with the terms of sub-paragraph (c), then of course that sub-paragraph would present no problem. The New Zealand delegation would, however, like to feel certain about the obligations involved.

The PRESIDENT remarked that, obviously, the law varied so greatly from one country to another that it would scarcely be possible to devise a terminology

that would exactly fit the terms of every legal system. Accordingly, it would be better to attempt to find a neutral terminology that would allow each country to apply its own rules.

Mr. NIKOLIC (Yugoslavia) said that his delegation could not unfortunately accept the amendment proposed by the Netherlands delegation (E/CONF.34/L.5/Rev. 1). The provision that the offences in question should be deemed to be included in the extradition treaties existing between the parties would have an undesirable retroactive effect. He considered that the original draft of article 45 took more account of the legal systems prevailing in individual countries and he would therefore prefer to retain the text with the inclusion of the Chilean amendment (E/CONF.34/L.13).

Mr. VERTES (Hungary) said that article 45 was an extremely important part of the Single Convention, since it provided for effective measures by the parties to punish narcotics offenders. Of course, the mere application of punitive measures would not suffice to prevent the commission of offences in a given country. However, the severity of such measures should act as a deterrent that would be of considerable assistance in the world-wide anti-narcotics campaign.

It was likewise important to ensure that the Convention provided for penalties in respect of all offences. Thus, paragraph 2 (a) (ii) of the Netherlands amendment, which referred to any uncompleted form of the offences and any form of participation therein, should also mention instigation or incitement to commit an offence. Instigation should be declared a severely punishable offence, since it was the cause of annual increases in the number of addicts, especially among young people.

He also drew attention to the Hungarian statement (footnote 43 to article 45, paragraph 2) that the State where the offence was committed should first and foremost have the right to prosecute the offender. Such a provision was particularly important, since offences connected with the illicit traffic in drugs belonged to the category known as "transit" offences, which were usually committed during brief visits to a country, after which the offender immediately left for another country. His delegation considered that the Convention should specify which of the States concerned should be competent to institute proceedings against the offender and then settle the question of extradition. The Hungarian proposal was based on a territorial principle generally recognized in the theory of international criminal law — namely, that the State in whose territory an offence was committed should have the right to prosecute, and that the State in whose territory the offender was found should take proceedings only if the former State had not asked for his extradition. Apart from the legal principle involved, the suggestion also had practical advantages in that evidence was more readily available in the country in which an offence was committed.

The Hungarian delegation further considered that extradition should be compulsory, so that offenders could be effectively brought to justice. Since extradition

was a common procedure, a provision to that effect might usefully be inserted in the Convention, especially in view of its deterrent effect. There seemed, in fact, to be no reason why the Convention should not include such a provision, which would not prevent the parties from concluding bilateral extradition treaties if they so wished.

His delegation would be glad to hear the views of other delegations on the two suggestions he had made, which were interrelated and which, if adopted, would greatly strengthen international co-operation in the campaign against the abuse of drugs.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the President, said that his organization had two suggestions to make concerning article 45. The first was that financial and banking operations connected with the illicit traffic in drugs should be included in the list of punishable offences. It was most important to provide for the punishment of offenders who, though not handling the drugs themselves, financed the transactions by various procedures.

Secondly, it would be useful to provide for the prompt transmission of the documents at the letter-of-request stage. Perhaps it might be possible to incorporate the relevant provisions of the 1936 Convention in the new Convention.

Mr. ADJEPONG (Ghana) said that article 45 was acceptable to his delegation except for paragraph 2 (b) and (c), which required some modification.

Concerning paragraph 2 (b), his delegation considered that no limitation should be imposed on the powers of national courts, which should be free to use their discretion in deciding the offences to be taken into account.

With regard to paragraph 2 (c), he said that the term "serious offences" should be more precisely defined. Furthermore, in the absence of any specific criterion, it was not clear how an authority could decide whether or not an offender might escape prosecution. Such a provision might enable an authority to prosecute on the flimsiest pretexts. No country could, however, release its nationals for trial in another country without the assurance that they would be given a fair trial.

Mr. RIOSECO (Chile) said that his delegation was in general agreement with both the substance and the drafting of article 45, with the exception of paragraph 4. That paragraph should be drafted in more explicit terms, and accordingly Chile had submitted an amendment which should remove all ambiguity. He thanked those delegations which had already signified their support of the Chilean amendment, and especially the representatives of Peru and Yugoslavia. He hoped that it would be given favourable consideration in the drafting committee.

Mr. GREEN (United Kingdom) said that, on the whole, article 45 was acceptable to his delegation as it stood. He thought, however, that the qualifying phrase "to the extent permitted by domestic law" in

paragraph 1 (c) should also be included in paragraph 1 (b). He endorsed the views expressed by those members who had warned of the dangers of trying to adapt the drafting of the article to fit all national legal systems or philosophies. The article had been drafted to take into account as many points of view as possible. If it were altered to suit the needs of some countries, difficulties might be created for other countries or groups of countries. He hoped therefore that, before the article was discussed in the *ad hoc* committee, all delegations would pay close attention to the various provisos contained in the article and especially to the phrase "within the framework of their existing legal systems and criminal jurisdiction and subject to their constitutional limitations" in paragraph 2. If due account were taken of those provisos, many delegations would find their difficulties eliminated.

Mr. GAE (India) said that article 45 was acceptable in principle to his delegation, although it contained certain inconsistencies which should be remedied. It was based on similar provisions in the 1936 Convention, only paragraphs 4 and 5 being new. Paragraph 5 was obviously intended to establish the principle that all the provisions of the article were to be considered in the light of municipal law; the intention was made even clearer by the opening words of paragraph 1 "Subject to their constitutional limitations" and the proviso "within the framework of their existing legal systems and criminal jurisdiction and subject to their constitutional limitations" at the beginning of paragraph 2. The words "to the extent permitted by domestic law" appeared at the beginning of paragraph 1 (c), but they did not apply to paragraph 1 (b), which, as the United Kingdom representative had pointed out, was an obvious *lacuna*.

The object of the different provisos he had mentioned was clearly to make the article recommendatory rather than mandatory, but the object was not stated expressly. He therefore proposed the insertion, by way of a preamble to the article, of the following text:

"The provisions contained in this article are subject to the constitutional limitations of the parties and within the framework of their legal systems and criminal jurisdictions."

His delegation had no difficulty in accepting the substance of all the provisions of paragraph 1, which were fully in harmony with Indian law. Under that law, both offences and attempted offences were punishable and the penalties had recently been increased from one to three years' imprisonment, a severer penalty being imposed in cases of recidivism.

It had already been pointed out that, although the offence was committed by an agent, the prime responsibility for the offence was often imputable to some principal, who evaded justice. He fully sympathized with the desire to make the principal punishable on the same footing as the offender. He therefore proposed the addition of the following provision to paragraph 1:

"Whoever causes an offence under this article to be committed shall be punishable with the punishment provided for the offence."

He had some misgivings about the distinction made in paragraph 1 (b) and (c) between attempts to commit an offence and preparatory acts, which was not in harmony with Indian legal practice. He would prefer it to be deleted, but if it was retained, it should be in the form of a recommendation, which would leave the parties free to decide what preparatory acts should be considered punishable offences and in what circumstances. The end of paragraph 1, relating to the punishment of serious offences, was entirely acceptable to his delegation.

He had serious objections to paragraph 2 (c), which was contrary to the normal principle of criminal jurisprudence that an offender should be punished in the country where the crime was committed. Under Indian law, it would not ordinarily be possible to punish an alien in India for a crime committed outside the country. He expressed the hope that that provision would be deleted. However, if the majority considered that it should be retained, a compromise might be reached in the *ad hoc* committee.

His objection to the existence of a proviso in paragraph 1 (c) but not in paragraphs 1 (a) and (b) applied to the beginning of paragraph 3, also dealing with extradition crimes. There could be no reason for such a distinction, as he had already pointed out; the point was covered by his first amendment. The remaining provisions of paragraph 3 were acceptable in the form of a recommendation. At present, the offences mentioned in article 45 were not extraditable crimes under Indian law and if the provision was mandatory, his delegation would be obliged to reserve its right to make further statements on the matter.

The points that had been raised should be very carefully discussed by the *ad hoc* committee. He was giving careful thought to the comments that had been made and to the Netherlands amendment, which appeared to contain some valuable ideas.

Mr. ARVESEN (Norway) said that Norwegian law distinguished preparatory acts from attempts to commit an offence, and classified conspiracy to commit an offence as a preparatory act. The distinction was of real importance, since preparatory acts were not punishable offences under Norwegian law, whereas attempts to commit an offence usually were. Thus, his delegation would have to make reservations regarding some of the provisions of article 45, particularly regarding paragraph 1 (b). On the other hand, under paragraph 2 (a) (ii) of the Netherlands amendment, the parties themselves would determine the extent to which "any uncompleted form" of the offences referred to in the preceding sub-paragraph was liable to punishment under their own penal systems. The wording of that Netherlands amendment provided a constructive solution to a delicate legal problem, and was so neutral as to be acceptable to most delegations. He therefore supported that amendment in principle.

Mr. AZARAKHSH (Iran) said that not all national laws were based exclusively either on the Roman or on the Anglo-Saxon systems, and that it was difficult

to adapt the provisions of article 45 to the legal systems of all countries. As far as Iran was concerned, the article presented no difficulties since, under Iranian narcotics legislation, provision was made for severe penalties for illicit traffic offences. In fact, the adoption of the Convention would provide a welcome opportunity to enact appropriate provisions for the eradication of narcotics smuggling, a source of supplies for addicts. If in any respect the article did not coincide with Iranian law, the Iranian Government was prepared to introduce a measure bringing the national law into line with the Convention.

Mr. BOULONIS (Netherlands) said that in view of some of the comments made during the discussion, he would attempt to clarify the principles underlying the Netherlands amendment. As he had explained at the preceding meeting, article 45 in the third draft included some provisions which were not in keeping with Netherlands criminal law: for instance, paragraph 1 (b), paragraph 2 (a), (b) and (c). Therefore his delegation had prepared a redraft which would avoid such discrepancies between the provisions of the Convention and domestic law, and which should be acceptable to all countries. The preamble of the amendment was based on article 4, paragraph 2 (c), which was a most suitable introduction for an article on penal provisions. Paragraph 2 (a) (i) of the amendment was the same as paragraph 1 (a) of the third draft. Paragraph 2 (a) (ii) was so worded that it did not require the parties to impose penalties in respect of any uncompleted form of narcotics offences or any form of participation therein. The expression "any uncompleted form of the offences" covered the conspiracy to commit and attempts to commit an offence mentioned in paragraph 1 (b) of the third draft. The words "under their existing penal systems" in paragraph 2 (a) (i) had been included to avoid any discrepancy between municipal law and the provisions of the Convention. However, his delegation was also interested in the United Kingdom suggestion that the problem might be solved by inserting the phrase "to the extent permitted by domestic law" in the provision dealing with intentional participation in and conspiracy to commit narcotics offences. Paragraph 2 (b) of the Netherlands amendment had been introduced because of the increasing importance of mutual judicial assistance in the fight against narcotics offences. Paragraph 2 (c) of the amendment had been drafted because many extradition treaties contained provisions concerning narcotics offences and consequently it seemed desirable to require the parties to insert the most serious of the narcotics offences enumerated in the Single Convention as extradition crimes in such treaties. It was not advisable to specify in the Convention which narcotics offences were to be considered serious offences, for there were many differences in the provisions of extradition treaties. Preferably, the expression "serious offences" should be interpreted by the national authorities responsible for giving effect to the Single Convention. Although under the second sentence of the relevant clause of the amendment the parties were required to insert narcotics offences as extradition crimes in treaties to be concluded in the future, his delegation

did not hold strong views on that point. The third sentence of that sub-paragraph dealt with the case in which parties did not make extradition conditional on the existence of a treaty, and sub-paragraph (d) with that in which extradition for some serious offence was not possible or did not take place. Paragraph 3 of the amendment merely reproduced article 45, paragraph 5, of the third draft.

Mr. DANNER (Federal Republic of Germany) suggested that the words "conspiracy to commit" should be deleted from paragraph 1 (b) of article 45 of the third draft. Paragraph 1 (c), referring to preparatory acts, went too far and should also be deleted. His delegation had serious objections to paragraph 2 (a) and (b) of the third draft. Lastly, the Federal Republic of Germany had made two suggestions regarding paragraph 2 (c) and paragraph 3 (E/CONF.34/1/Add.1) which should be considered by the appropriate *ad hoc* committee.

Mr. GREGORIADES (Greece) said that paragraph 2 (a) and (b) should form part of the Single Convention, for they would increase the severity of penalties for narcotics offences. While realizing that it would be difficult to incorporate those provisions in many legal systems, he wished to stress that narcotics offences were entirely distinctive, first, because they were the source of other crimes, inasmuch as addicts committed other crimes to satisfy their craving, and secondly, because in almost all cases they had international effects. Such offences should be classed as "special crimes", as was the case in many countries. The Convention, so far from merely codifying existing law, should call for the enactment of new legislation by all parties; merely granting the parties permission to do more than what was demanded under the Single Convention, if they wished, was not enough.

The Netherlands amendment had a good deal of merit. In particular, his delegation supported the use of the expression "any uncompleted form of the offences", for it covered preparatory acts and was also so broad that the national authorities could interpret it freely. On the other hand, his delegation believed that the word "serious" in paragraph 2 (c) of the amendment should be deleted. From the strictly legal viewpoint, it would be preferable to specify how serious an offence had to be in order to be classed as extraditable. However, such an explicit definition might prevent countries from making certain offences extradition crimes; his delegation would, therefore, prefer to delete the word "serious" and leave the matter open. Moreover, the words "penalized under sub-paragraph (a)" would identify the offences adequately, so that the word "serious" was not required.

Mr. BOULONIS (Netherlands) accepted the sub-amendment suggested by the representative of Greece.

Mr. KOCH (Denmark) said he found it difficult to understand why article 45 had given rise to so much controversy. While his government could not apply some of the provisions in article 45 of the third draft, it was willing to rely on the general reservation in paragraph 5. Moreover, there were specific provisos in

paragraph 1(c), paragraphs 2 and 3. His delegation supported the United Kingdom suggestion that the limiting clause at the beginning of paragraph 1(c) should be repeated at the beginning of sub-paragraph 1(b). If that suggestion was adopted, his delegation would find article 45 acceptable in principle.

Dr. MABILEAU (France) said that he could not share the apprehensions expressed about article 45 even by countries which were parties to the 1936 Convention. The article as it stood was very cautious and took account of the differences between national legislations.

The representative of Interpol had raised a very interesting and important question, that of the financial transactions connected with the illicit traffic. If a formal proposal embodying that point was put forward, the French delegation would be happy to support it.

Mr. CURRAN (Canada) said that the main areas of difficulty regarding article 45 were clear and could be discussed in detail in the *ad hoc* committee. His own delegation had difficulty in accepting paragraph 3 as it stood. For it to be acceptable to his government, the extradition procedure would have to be made subject to the constitutional limitations, legal system and existing law of Canada, but there should be no serious objection to that.

Mr. MAURTUA (Peru) said that paragraph 1(c) was unsatisfactory, as preparatory acts could not be considered as offences. He proposed that in the final part of paragraph 1 the word "offences" in the expression "punishable offences" should be omitted.

Article 46 (Seizure and confiscation)

Mr. CURRAN (Canada) recalled that during the discussion on article 34 at the 9th, 10th and 11th plenary meetings several delegations had said that there was no need for a separate article on the disposal of confiscated opium and poppy straw and that article 46 could be framed to cover the seizure and confiscation of all drugs moving in the illicit traffic. The fate of article 46 was therefore bound up with that of article 34.

Two delegations had objected to the provision in article 34 that confiscated opium and poppy straw should be destroyed. He thought that it was for the confiscating government to decide on the use to be made of any drugs seized in the illicit traffic. If a government decided to use them in the country for medical and scientific purposes, the amounts should appear in the country's estimates. If they were destroyed, the destruction should be reported. In Canada, the only drug seized in the illicit traffic was heroin, for which it had no use; consequently, all seized heroin was destroyed, but he realized that the position was not the same for other drugs and in other countries.

The PRESIDENT suggested that articles 34 and 46 might be referred directly to the drafting committee.

Mr. CURRAN (Canada) said that some discussion in an *ad hoc* committee would be advisable, as some points of substance were involved.

Mr. NIKOLIC (Yugoslavia) thought that the two articles should be amalgamated, but that it was purely a drafting matter.

Mr. BARONA (Mexico) said that he supported, in principle, the amalgamation of the two articles, provided that none of the useful parts of article 46 was omitted, in particular the reference to equipment in paragraph 1. That term would cover both the equipment of illicit laboratories and vehicles used for the illicit transport of drugs and it was essential that both should be liable to seizure and confiscation.

Mr. ASLAM (Pakistan) pointed out that the *ad hoc* committee dealing with articles 31 to 34 had already decided to delete article 34 on the understanding that suitable adjustments were made in article 46. (E/CONF.34/13). He did not think it necessary for that committee to meet again on the question.

Mr. DANNER (Federal Republic of Germany) said that paragraph 1 of article 46 should be redrafted. As it stood, it gave the impression that it was to have the force of law, whereas what was intended was that parties to the Convention would bind themselves to set up the necessary procedure for seizures, if it did not already exist.

Mr. BANERJI (India) said that there were points not only of drafting but of substance in both article 45 and 46. Both should therefore be referred to an *ad hoc* committee. He agreed that article 46 should cover seizures of all drugs and their use by governments, subject to the estimates system. In his view, it would be better not to place destruction first on the list of the three possible methods of disposal listed in paragraph 2 of article 46.

Mr. GREEN (United Kingdom) said that his delegation had submitted an amendment (E/CONF.34/C.5/L.5) to article 32, regarding exports of confiscated opium, which should be borne in mind in the redrafting of article 46.

Mr. NIKOLIC (Yugoslavia) said that the Conference should decide the question of principle whether seized drugs should be destroyed or not. He agreed with the Canadian representative that their destruction should not be obligatory if the government concerned could find a legal use for them. Once the question of principle had been settled, article 46 could be referred to the drafting committee.

The PRESIDENT pointed out that other means of disposal were mentioned in paragraph 2 of article 46, so that the decision of principle could not be taken on just one point.

Mr. NIKOLIC (Yugoslavia) said that, as it stood, article 46 left so much latitude to governments with regard to disposal that it was practically meaningless. It should either make destruction of seized drugs mandatory or lay down specific conditions under which they could be used. However, he did not wish to press the point.

Mr. NEPOTE (International Criminal Police Organization) said that as drafted paragraph 1 did not convey the idea that seizure was obligatory. He thought that that idea should be stated expressly.

The PRESIDENT said that at the previous meeting it had been decided that the *ad hoc* committee dealing with article 44 should co-operate with the *ad hoc* committee dealing with article 25, so that the two articles should be considered together. He suggested that articles 44, 45 and 46 should be referred to an *ad hoc* committee composed of Australia, Brazil, Canada, Chile, China, Congo (Leopoldville), Denmark, France, Federal Republic of Germany, India, Indonesia, Iran, Japan, Korea, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Poland, Sweden, Switzerland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

It was so agreed.

The meeting rose at 5.5. p.m.

TWENTY-EIGHTH PLENARY MEETING

Wednesday, 8 March 1961, at 3.10 p.m.

President: Mr. SCHURMANN (Netherlands)

Tribute to the memory of Mr. Govind Ballabh Pant

On the proposal of the Chairman, the Conference stood in silence in memory of Mr. Govind Ballabh Pant.

Mr. BANERJI (India) said that the people and Government of India greatly appreciated the sympathy expressed by the Conference in connexion with the death of Mr. Govind Ballabh Pant.

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9) (continued)

The PRESIDENT invited debate on the report of the *ad hoc* committee which had been appointed to deal with articles 4, 20, 21, 26, 27, 28 and 29 of the draft Convention (E/CONF.34/14 and Corr. 1).¹

Article 26 (Information to be furnished to the Secretary-General).

The PRESIDENT said that, in the absence of any objection, he would assume that the Conference accepted the *ad hoc* committee's recommendation that the passage "including particulars of each case of illicit traffic... illicit traffickers" should be added at the end of paragraph 1 (c).

Mr. RODIONOV (Union of Soviet Socialist Republics) said he wished to make a general statement with

reference to all the articles of the draft Convention which, like article 26, purported to vest functions in the Secretary-General. In his delegation's view, it would be more accurate to vest such functions in the Secretariat. In international agreements, rights, powers and functions were vested in the parties, the organs of the United Nations or the specialized agencies, but never in specific persons. Article 7 of the United Nations Charter stated that the Secretariat was one of the principal organs of the United Nations, whereas Article 97 described the Secretary-General as an administrative officer. Obviously, it would be more appropriate to vest the functions to be exercised under the Convention in the Secretariat as one of the principal organs of the United Nations. Moreover, as the Convention would be in force for a long time to come, its provisions should refer to the organs of the United Nations and not to particular officers; they would thus remain applicable regardless of any changes in the internal structure of the United Nations.

The PRESIDENT asked the representative of the USSR whether he wished to make a formal proposal on that point.

Mr. RODIONOV (Union of Soviet Socialist Republics) replied that he had merely wished to state the views of his delegation.

Article 27 (Statistical returns to be furnished to the Board)

The PRESIDENT asked the members to vote on the *ad hoc* committee's recommendation that the words "as approved by the Commission" in paragraph 1 should be deleted.

By 33 votes to none, with 7 abstentions, the Conference decided that the words in question should be deleted.

Mr. BANERJI (India) recalled that, when the *ad hoc* committee had decided to recommend the deletion of paragraph 1 (a), his delegation had reserved its right to raise the question again in the plenary. The Indian delegation still considered that statistics of areas cultivated for the production of the opium poppy constituted useful information, which a party would possess in any event if it carried out its obligations under article 31. He failed to see why there should be any difficulty in furnishing the Board with such information. As it was desirable that countries which had been furnishing the information should continue to do so, he proposed that the provision should be redrafted in the form of a recommendation.

Mr. AZARAKHSH (Iran) said that articles 27 and 28 of the third draft provided that the parties should furnish to the Board statistical returns in respect of the area cultivated for the production of drugs and the average yield in the preceding five years. The *ad hoc* committee's decision to recommend the deletion of paragraph 1 (a) both in article 27 and in article 28 had been based on a misinterpretation of the statement which the representative of the PCOB had made concerning the usefulness of those provisions. In his delegation's view, the statistics of acreage cultivated and

¹ For previous discussion on these articles, see 17th and 18th plenary meetings.

average yield in preceding years were not only the best but the only means to control and check the quantity of opium produced in a particular region. If the Board was deprived of that information, it would become a mere statistical agency, whose sole activity would be the collection and publication of figures. It was true that the yield of the opium poppy harvest varied with climatic changes, but the Board, by taking into account the average yield in preceding years, could estimate approximately the quantity of opium which should be obtained from the area cultivated. National opium control laws were based on that principle. For instance, in Turkey, Act. No. 7368 of 24 July 1959 (E/NL.1959/85-86) established special procedures for determining whether the failure of a producer to deliver the quantity of opium estimated was really due to climatic conditions. If such information was unquestionably useful at the national level, it should surely be considered equally useful at the international level. Moreover, those countries in which cultivators of the opium poppy were licensed already had information on the areas cultivated for the production of opium and could easily furnish the relevant statistics to the Board. On the other hand, refusal to furnish such easily gathered statistics, which were without any political significance, could only arouse suspicion, particularly in view of the large illicit traffic in opium. The Board should be given the tools to establish real control of opium production. As Mr. May had said in the *Bulletin on Narcotics* (vol. VII, No. 1, p. 3), "Limitation of the use of dangerous drugs to medical and scientific needs is the guiding rule of the present system of international control. However, opium . . . , although subject to some measures of international control, [is] not subject to this basic rule. This represents a serious gap which the Commission set out to close when it undertook to elaborate the draft Single Convention." It would be unfortunate indeed if all the effective measures proposed in the third draft were deleted one by one. While some countries spoke constantly of satisfactory national control, others were suffering severely from illicit imports of opium. The retention of the provisions in question was therefore necessary to protect public health and combat the illicit traffic.

Mr. NIKOLIC (Yugoslavia) said that the Board did not need statistics concerning areas cultivated for the production of drugs. Very different yields could be produced from the same areas. The statistics would be even less useful if they were submitted by some States and not by others, under the recommendatory provision suggested by the Indian representative. He agreed with the Iranian representative that article 27, paragraph 1 (a) had no political implications; nevertheless, it imposed an unnecessary obligation on governments. Therefore, he associated his delegation with the majority of the *ad hoc* committee which had recommended its deletion.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) recalled that when the paragraph had first been discussed in the *ad hoc* committee, the impression had been given that the Board could dispense with information on areas cultivated for the production

of opium. Later, however, it had been made clear that, from the Board's point of view, it was desirable to have as much information as possible. The Board's reasons for taking a different view concerning statistics and estimates on cannabis and coca leaves had been set out in document E/CONF.34/1. The information requested in the paragraph in question had also been required in the 1953 Protocol, which was concerned with the control of raw materials.

The paragraph had been criticized on two grounds: that the information would not be useful to the Board and that it would be difficult for parties to furnish. However, the usefulness of the information could not be questioned. The average yield in the preceding five years would be taken into account for the purpose of reducing uncertainties to a minimum, and in any case the Board would not be likely to rush to conclusions without regard to climatic variations in a particular country. And since, under article 31, all areas in which poppy cultivation was permitted had to be designated, and all cultivators licensed, parties should have no difficulty in providing the statistics.

With reference to the Indian proposal for a recommendatory provision, he pointed out that the information requested in the paragraph had not been submitted in the past. The only instrument requiring the submission of such information was the 1953 Protocol, which had not yet come into force. He wished to stress that if the information was not furnished, the control system would be incomplete.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation's statements on the question under discussion should be regarded as entirely objective, since the USSR had no serious drug addiction problem and did not permit illicit trade or traffic in narcotics. His delegation would not oppose the Indian suggestion that any party which so wished might submit acreage statistics to the Board, but it supported the *ad hoc* committee's recommendation that paragraph 1 (a) should be deleted. The USSR favoured strict national control of narcotic drugs, while at the same time supporting all international control measures which would facilitate the fight against drug addiction and the illicit traffic. The Board should be given the information really necessary for the exercise of its control functions, but States should not be burdened with formal obligations to submit information of a secondary character, which the Board could very well do without.

At the first meeting of the *ad hoc* committee, the representative of the PCOB had stated that, while the Board would of course be glad to receive as much information as possible, the deletion of paragraph 1 (a) would not handicap its work. His delegation agreed that the parties should furnish information on the quantities they had produced, and on the quantities they intended to produce, and it believed that that information would enable the Board to exercise control over the level of opium production. On the other hand, it was convinced that information about the areas cultivated for the production of opium would be of no practical value to the Board's work. Since the yield

obtained from a particular area varied greatly with the climatic conditions, the Board could not determine, on the basis of acreage statistics, whether a low yield in a particular year was due to the illicit traffic or to climate. It had been argued that the information requested would be useful to countries in which there was a large illicit traffic, but his delegation failed to see what use such countries would have for statistics of the acreage cultivated in other States. The preparation of such information would undoubtedly be a useless waste of time and labour. Consequently, his delegation supported the *ad hoc* committee's recommendation that article 27, paragraph 1 (a), and also the corresponding passage in article 28, paragraph 1 (a), should be deleted.

Mr. ASLAM (Pakistan) said he could not see the object of the recommendatory provision proposed by the Indian delegation: either the information was useful, or it was not. He was inclined to agree with the representative of the USSR that statistics concerning areas cultivated for the production of opium would be valueless.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said, in reply to the Soviet representative, that if all the summary records were read as a whole, it would be found that his position had remained unchanged. In the *ad hoc* committee he had, in fact, pointed out that, for the Board, the data in question would be a safeguard, because they would enable it to keep abreast of new production and also estimate over-production, but that if the Conference should decide to omit paragraph 1 (a), the Board would not be handicapped because information would still be available to it. He considered such information most necessary and agreed with the representative of Pakistan that it should not be furnished on an optional basis.

Having himself been in charge of that kind of work in India, which had the ideal control system, he had some knowledge of the procedure used for the control of opium production. He knew that once an area was licensed and production was supervised continuously until the crop was collected, information about the yield was available in government records. Consequently, from the practical point of view, he was not convinced that such information was difficult to supply.

As to the possibility that the Board might draw erroneous conclusions from the information, he said that, as he had pointed out before, the Board could be relied upon to make due allowance for climatic conditions. Even in such countries as India, the yield came within a certain margin and it was easy to determine which areas had a high or a low yield and thereby judge the accuracy of the production figures communicated. Moreover, all producing countries knew by the middle of the season whether there would be a good crop in a particular year or not. Therefore, while the climatic conditions would be uncertain, the yield could always be related to those conditions and reliable conclusions reached. If the information were not furnished, it would be harder to control opium production where opium was grown over a large area. A large number of supervisory personnel would be required to ensure that where a low yield was reported, there had been no leakage.

If the Board had two sets of figures to go by—concerning the quantity of estimated production and the quantity of opium actually grown—it could tell from comparing the two whether the production figures were correct. If the yield was lower than could be explained by climatic conditions, it would be inferred that a leakage had occurred. But if no estimates were communicated at all, the Board would be unable to verify the actual production figures and check the illicit traffic. Opium should be treated on a different basis from the other drugs, and he hoped that the Conference would take account of the need to retain paragraph 1 (a).

Mr. De BAGGIO (United States of America) said that his delegation associated itself with the remarks made by the representative of the PCOB. The paragraph should be retained and the recommendation of the *ad hoc* committee should be rejected. The statistical information in question might be very useful, even though its absence would not handicap the Board.

Mr. ESTRELLA (Peru) said that while he agreed that the essential purpose of the Conference was to provide effective guarantees for narcotics control, due account should also be taken of the practical value of any information to be submitted. He therefore considered that the *ad hoc* committee's recommendation to delete the provisions in question was fully justified.

Mr. VERTES (Hungary) agreed with the representatives of Yugoslavia and the Soviet Union that the provision was superfluous. Such a broad provision would necessitate the submission of information on all areas cultivated with the opium poppy, even if not cultivated specifically for the purpose of producing opium. While Hungary was not directly affected by the provision, since it grew poppies mainly for food, in all objectivity his delegation thought that the provision should be deleted, since the information in question would be of doubtful value. Moreover, any conclusions based on the figures for the average yield over the preceding five years, as provided in article 28, paragraph 1 (a), would be unreliable since the figures could not be authenticated and would depend on variations in climate.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) said that, as a scientist, he had been considerably surprised at the provision in article 27, paragraph 1 (a). He had consulted eminent colleagues in his country on the subject, including the President of the Academy of Agricultural Sciences, who had said that such data could not be of any practical significance for the purpose of assessing the quantities of the final product. Technological factors also had to be taken into account, for they varied from year to year and it was impossible to assess the final yield simply from a knowledge of the areas under cultivation. Moreover, a leading statistician in his country had indicated that estimates based on the average yield over the past five years would be statistically useless. He had to conclude therefore that the provision in question and also paragraph 1 (a) of article 28 were unscientific and should not be included in the Convention, which should be a scientifically sound document.

Dr. MABILEAU (France) said that, before a vote was taken on the *ad hoc* committee's recommendation concerning paragraph 1(a), it would be necessary to find a more satisfactory text. As it stood, it referred to "areas cultivated for the production of drugs". The Conference had decided that the word "drugs" meant both natural and synthetic drugs, but the provision in question could hardly have any bearing on synthetic drugs, nor did it relate to coca, cannabis or even poppy straw. It should therefore be made clear that it related exclusively to opium. So far as substance was concerned, his delegation had already expressed the view that, although it might be useful, the provision was certainly not vital, as was demonstrated by the mere fact that it had given rise to so much discussion. He would therefore support the majority view that emerged from the discussion.

Mr. BANERJI (India) said that his delegation also considered that the provision should relate exclusively to opium production.

It was clear both from the 1959 report of the Commission (14th session, E/3254 and Corr.1) on Narcotic Drugs and the table appended to the 1960 report of the PCOB that a number of countries were already supplying figures in hectares for areas under cultivation, together with the final production figures. There would seem to be no difficulty in supplying such information, and India was only suggesting that the existing situation should continue. If some countries experienced genuine difficulty in furnishing the statistics, they might be exempted. India's compromise suggestion was that if the form for the statistical returns were to include a column for areas in hectares, countries that had difficulty in submitting such figures might be free to leave that column blank. While making that compromise suggestion, however, the delegation of India, like that of Pakistan, would prefer the provision to apply to all countries. It seemed to follow logically from the provision in article 31 that such information should be available.

Mr. ACBA (Turkey) said that the proposed provision was of no real use, since the yield depended entirely on the climate, which varied from year to year. Turkey itself submitted statistical returns on acreages, but his delegation considered that there was no point in complicating the Convention unnecessarily and imposing an additional burden on the Board.

The PRESIDENT said that the drafting difficulties involved in the use of the term "drugs" could be left for the drafting committee to settle. First, however, he would take a vote to decide whether the paragraph should be retained.

The result of the vote was 20 in favour and 17 against, with 12 abstentions.

The paragraph was not retained, having failed to obtain the required two-thirds majority.

Mr. BANERJI (India) said that he would submit a formal proposal for an optional clause on the subject dealt with in the paragraph.

The recommendation of the ad hoc committee concerning paragraph 1(c) was accepted.

The recommendation of the ad hoc committee concerning paragraph 1(d) was accepted, the question of the definition of "consumption" being referred to the drafting committee.

The recommendation of the ad hoc committee concerning paragraph 1(e) was accepted.

The recommendations of the ad hoc committee concerning paragraph 2(a)(i) and (ii) were accepted.

Paragraph reference 184

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, in the *ad hoc* committee, the Indian proposal to delete paragraph 3 had been withdrawn. The USSR had supported that proposal and continued to be of the opinion that the paragraph should be deleted, as provision for the furnishing of such statistics was not necessary for the work of the Board. The Soviet delegation had no specific proposal to make on the subject, but wished its view to be placed on record.

The recommendation of the ad hoc committee concerning paragraph 3 was accepted.

Article 28 (Estimates of production and drug requirements)

The Conference accepted the recommendation of the ad hoc committee that the words "as approved by the Commission" should be omitted from the introductory clause of paragraph 1.

Mr. NIKOLIC (Yugoslavia), referring to paragraph 1(a), said it would be illogical to retain the phrase "the approximate quantities of drugs to be produced therefrom, based on the average yield in the preceding five years" in isolation, especially as paragraph 1(a) of article 27 had been deleted. The provision was even more unnecessary than that in article 27, paragraph 1(a), for the Board already had statistics at its disposal and, in any case, it was impossible to predict future production on the basis of the average yield of the preceding five years.

The PRESIDENT agreed that it might be illogical to retain the phrase and suggested that the paragraph might be voted on as a whole.

Mr. RAJ (India) remarked that paragraph 1(a) of article 28 was intimately connected with article 27, paragraph 1(a). It was true that the latter provision had been deleted, but it might be reintroduced in a modified form. He suggested that consideration of paragraph 1(a) of article 28 should be postponed until that matter had been decided.

Mr. KRUYSSSE (Netherlands) agreed that, with the deletion of article 27, paragraph 1(a), it would be necessary to delete all references to statistics on areas under cultivation. However, it would be useful for the Board to have estimates of opium production so as to be able to compare the figures with the actual production statistics. He therefore favoured the retention of the phrase mentioned by the Yugoslav representative, and suggested that the paragraph should be discussed in parts.

Mr. ACBA (Turkey) agreed with the representative of Yugoslavia. Approximate production figures were of little use because the yield depended on the climate and not on the plans of the producers. Moreover, approximate production could be calculated from the figures already available to the Board. He therefore favoured the deletion of the paragraph.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) said that the Netherlands representative had been correct in pointing out that the first and third phrases of the paragraph were related to article 27, paragraph 1 (a) and should therefore be deleted. However, so far as the second phrase was concerned, he said that all countries had first to make an estimate before they started production. They all set themselves targets even though they might not always reach them. It was important for the Board to have those estimates for purposes of comparison and there was therefore nothing illogical in retaining the provision even if paragraph 1 (a) of article 27 had been deleted. The phrase in question might, therefore, be considered in isolation.

Mr. NIKOLIC (Yugoslavia) said that the Conference had decided to delete paragraph 1 (a) in article 27 because the figures for areas cultivated served no useful purpose. If the provision for figures of areas under cultivation were deleted, there was little use in estimating quantities of drugs to be produced from the areas. It might be possible to calculate the average yields of preceding years, but that would be no help in determining production in future years because production in a given area varied from year to year. As the representative of Turkey had said, not only the Board but the producing countries themselves could not estimate future production.

Mr. ACBA (Turkey), referring to the statement of the representative of the PCOB that it would be useful for the Board to have the figures for the average yield to compare with the actual production figures, asked what the Board would do if the figures did not correspond. In any case, it was impossible to make any estimate of yields until the crop was actually harvested. Therefore, approximate production estimates, based on the average for previous years, were unreliable.

The PRESIDENT suggested that it would be preferable to vote on the various phrases of paragraph 1 (a) separately. He first invited the Conference to vote on the retention of the phrase "the areas (in hectares) to be cultivated for the production of drugs".

The result of the vote was 18 in favour and 17 against, with 14 abstentions.

The phrase was rejected, having failed to obtain the required two-thirds majority.

The PRESIDENT invited the Conference to vote on the retention of the phrase "the approximate quantities of drugs to be produced therefrom, based on the average yield in the preceding five years".

The result of the vote was 22 in favour and 15 against, with 12 abstentions.

The phrase was rejected, having failed to obtain the required two-thirds majority.

The PRESIDENT pointed out that since the first two phrases had been rejected, it was unnecessary to take a vote on the concluding phrase.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) recalled that he had raised a question relevant to article 28 in connexion with article 42, paragraph 1 (b). It was essential that the expression "within the limits of the total of the estimates" should be defined in article 28 in such a way that if a country did not include a figure for a certain drug in its estimates, that would mean that it had no need for that drug, not that it intended to use unlimited quantities of it. The actual wording might be left to the drafting committee.

Mr. KRUYSSSE (Netherlands) agreed that if no figure was reported, that should mean that the country's needs were nil. However, that was not always possible to foresee. A country might give no estimate for a certain drug out still find that certain quantities of the drug might be needed for legal consumption. A situation of that kind could arise in those countries in respect of which the Board was obliged to establish estimates when the countries themselves had failed to do so. It would therefore be unwise to provide in the Convention that if a country made no estimate for its requirements of a certain drug, it could have no requirements for that drug.

Mr. KRISHNAMOORTHY (Permanent Central Opium Board) agreed that such a situation could arise in two ways. First, a new drug could come into use. Secondly, a country could discover that it needed to use an existing drug for which it had not submitted an estimate. In either case, a supplementary estimate should be sent to the Board, which was always very sympathetic in its consideration of such applications.

Mr. RAJ (India) pointed out that both those cases were already provided for in the Convention. First, article 28, paragraph 3, provided for supplementary estimates and, secondly, article 29, paragraph 4 (b) (ii), provided for the emergency use of drugs.

Mr. KRUYSSSE (Netherlands) said that, after the explanation given by the representative of the PCOB, the proposal was quite acceptable to him.

The PRESIDENT suggested that it should be referred to the drafting committee for formulation.

It was so agreed.

Mr. NIKOLIC (Yugoslavia) asked why the Committee recommended that in paragraph 4 parties should be asked to inform the Board of their reasons for using the methods in question.

Mr. LANDE (Deputy Executive Secretary) said that that part of the Committee's report did not agree with the records. As could be seen from E/CONF.34/C.9/SR.3, the Committee had proposed that the reasons for changes in the method should be given, not for using the method itself. The proposal had originally been made by the representative of Greece at the eighteenth plenary meeting.

The PRESIDENT pointed out that the word "using"

in the second line of the relevant paragraph in the *ad hoc* committee's report should be replaced by the word "changing".

Mr. NIKOLIC (Yugoslavia) said that there did not seem to be any more reason for explaining the reasons for changing the method than those for adopting it. In both cases, the only answer could be that the country had chosen the method because it considered it the best.

The PRESIDENT pointed out that, in explaining why it had changed its method, a country would also explain what it had found to be wrong with the method it had used previously and that information would be useful to the Board.

Mr. GREGORIADES (Greece) said that it was precisely for that reason that he had made his original proposal. His government certainly would have no objection to explaining why it had chosen the method it was using.

Mr. NIKOLIC (Yugoslavia) said that the provision would introduce an unnecessary complication and he would therefore vote against it.

The PRESIDENT said that, as the proposal did not involve a deletion, he would invite the Conference to vote, not on the original text, but on the Committee's proposal that parties should inform the Board of the reasons for their changing the methods in question.

The result of the vote was 24 in favour and 14 against, with 12 abstentions.

The proposal was not adopted, having failed to obtain the required two-thirds majority.

The ad hoc committee's suggestion concerning the order of articles 27 and 28 was accepted.²

Article 29 (Limitation of manufacture and importation)

The ad hoc committee's suggestions concerning the drafting of paragraphs 2 and 4 (a) and (b) (ii) were accepted.

Article 20 (Administration of the estimate system)

Mr. KALINKIN (Union of Soviet Socialist Republics) said he wished to raise a serious point of principle in connexion with paragraphs 2 and 3 of article 20, particularly paragraph 3. That paragraph empowered the Board to establish estimates in respect of States which failed to furnish their own estimates. That was an infringement of the sovereign rights of those countries and could be gravely detrimental to their interests.

International agreements were an expression of the will of two or more countries and were freely entered into. Their provisions were therefore binding on the parties to them but not on third parties. That principle had been stated many times by the most eminent legal authorities. In his *Traité de droit international*, the eminent Russian jurist, F. de Martens, had stated that an

agreement was not valid if its provisions ran counter to the rights of third countries and could institute commitments only for the parties to it. The same view had been expressed by western jurists also. For instance, in his *International Law*, Charles Cheney Hyde had said that a State was not bound by the terms of a treaty that it had not accepted and that the rights of States could not be impaired by the provisions of a treaty to which it was not a party. He had added that an abundance of evidence sustained those conclusions. In *Oppenheim's International Law* (eighth ed. by H. Lauterpacht, § 522) it was stated that in virtue of the principle *Pacta tertiis nec nocent nec prosunt*, neither rights nor duties arose under a treaty for third States which were not parties to that treaty. The decision of the Permanent Court of International Justice in the Eastern Carelia case, of 23 July 1923, was based on the same principle. Lastly, in his fifth report to the International Law Commission on the law of treaties (A/CN.4/130),³ Sir Gerald Fitzmaurice, the special rapporteur, declared that a State could not, in respect of a treaty to which it was not a party, (a) incur obligations or enjoy rights under the treaty, or (b) incur any liability or suffer any disability or detriment, or any diminution or deprivation of right, or be entitled to claim as of right any faculty, interest, benefit or advantage under the treaty.

A number of inescapable conclusions were to be drawn from the theoretical premise for which he had just cited authority. First, as an agreement reflected a decision freely arrived at by the parties concerned only, it could not be binding on third parties which had not agreed to it. Secondly, the parties to an agreement had had an opportunity of framing its provisions to express their wishes but a third party had had no such opportunity; unless it voluntarily acceded to the agreement at a later date, it could not therefore be bound by it. Thirdly, international agreements were concluded between sovereign States on a basis of equality, but if they were extended to third parties without their consent, that would be a violation of the principle of the equality of States and therefore quite unacceptable, in principle or in practice. Fourthly, treaties were freely accepted instruments; to impose the will of the parties on a third country would be tantamount to forcing it to sign a treaty under duress. The obligations thus imposed could not, therefore, be binding. Fifthly, for an international agreement to be valid, it had to be signed and ratified by the contracting parties. A country which had neither signed nor ratified the agreement could not therefore be bound by it. It would be unjust to expect countries to fulfil obligations which they had not expressly accepted; it would also be most undesirable because it would weaken the signature and ratification procedure. Moreover, an international convention or agreement had to fulfil certain conditions, one of which was that it must not violate the rights of or lay obligations on third parties. If it did so, it was to that extent invalid.

² The Conference also accepted the Committee's recommendations concerning the definitions of "stocks", "special stocks" and "government purposes" in article 1 (discussed in commission with article 28, para. 1 (e)).

³ Reprinted in *Yearbook of the International Law Commission*, 1960, vol. II (United Nations publication, Sales No. 60. V. 1. vol. II) pp. 69 *et seq.* See in particular the second chapter of Sir Gerald's draft code, art. 3.

Article 20 could be considered from another point of view, that of the functioning of the estimates system. It was article 2, paragraph 2, of the 1931 Convention that had first given the Supervisory Body the power to establish estimates for countries which had not submitted their own. The object then had been to ensure the proper functioning of the estimates system by making it universal. It was interesting to see what the DSB had done in the exercise of those powers. In *Estimated World Requirements of Narcotic Drugs in 1961* (E/DSB/18), the DSB reported that estimates had been furnished by 106 countries and sixty-five non-metropolitan territories. On page xv of the same document, it reported that no estimates had been received from seven countries and that the estimates had therefore been established by the DSB.

Those countries could be divided into two groups: first, Nepal, Yemen, Libya and the Republic of Somalia and, second, North Korea, the Mongolian People's Republic and North Viet-Nam. The reason why the countries in the first group had not submitted estimates was presumably that they did not possess a competent administration capable of making the necessary calculations, not that they did not wish to co-operate in the international control system. Instead of establishing estimates for them, the DSB would be better advised to assist the competent authorities in establishing their own estimates.

The case of the second group of countries was rather different. The Board had addressed requests for estimates to those countries under the 1931 Convention, but they had not yet been invited to accede to that convention. That point had been made quite clear at a recent session of the Commission on Narcotic Drugs, when the USSR representative had asked the Director of the Division of Narcotic Drugs whether the text of the 1931 Convention had been communicated to the Mongolian People's Republic; the Director's reply had been that the text had never been sent. Thus, the Mongolian People's Republic had been given no opportunity to accede to the 1931 Convention, but the organs set up by that convention were entitled to request it to submit estimates failing which the DSB established the estimates. It would seem that a country which had not been invited to become a party to the Convention should not be forced to submit estimates.

The practical question how such estimates would be arrived at by the new organs under the Single Convention should be given careful thought. The parties to the Convention would inform the Board of the methods they were using to calculate their estimates, on the basis of information supplied by their health services. But the Board would have no such data for countries which did not submit estimates, and it would have to proceed by analogy, a dangerous and unreliable method.

As an illustration of errors in the estimates of the DSB he cited the case of exports of morphine from the USSR to the Mongolian People's Republic for the second quarter of 1957. The Board's estimate had been 800 grammes for that period; actually, the USSR had exported 4 kilogrammes to the Mongolian People's

Republic. In August of the same year, the Board had written to the Minister of Foreign Affairs of the USSR informing him that the USSR's exports of morphine to the Mongolian People's Republic had exceeded the estimate. It had also written to the Minister of Foreign Affairs of the Mongolian People's Republic pointing out the difference between the estimate and its imports of morphine and requesting it to keep within its estimate. It was outrageous that a country which had not been invited to accede to the Convention should be called upon to comply with its provisions. Furthermore, in its foreign trade relations, the USSR was bound to consider the needs of the Mongolian People's Republic and take account of the fact that the morphine it was exporting would not go into the illicit traffic or be used by drug addicts, but would be used for legitimate medical and scientific purposes. Real needs were a better guide than the estimates established by the Board, which were necessarily incorrect and unreliable.

The impossibility of establishing accurate estimates in such circumstances could be easily demonstrated. According to the last sentence of article 20, paragraph 3, the Board should establish such estimates in co-operation with the government concerned. But if the country concerned did not co-operate, the Board would be unable to obtain the information specified in article 28 on which to base its calculations.

Under an alternative text for article 20, paragraph 3, which his delegation had drafted (E/CONF.34/L.23) the Board would establish estimates only for three groups of countries: first, countries parties to the Single Convention; secondly, countries which were not parties to the Convention but which were already furnishing estimates to the PCOB or the DSB; and, thirdly, for other States, not parties to the Convention, which agreed to furnish estimates at the Board's request. That would be a sensible procedure and would ensure that the estimates published by the Board were accurate. It would also make the Convention much more widely acceptable than it was in its present form.

The meeting rose at 6.15 m.m.

TWENTY-NINTH PLENARY MEETING

Thursday, 9 March 1961, at 10.50 a.m.

President: Mr. ASLAM (Pakistan)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 20 (Administration of the estimate system) (continued)

The PRESIDENT invited the Conference to continue its debate on article 20, in the light of the report of the competent *ad hoc* committee (E/CONF.34/14, Corr.1). He also drew attention to the redraft of article 20, paragraph 3, suggested by the USSR (E/CONF.34/L.23).

Mr. BEVANS (United States of America) said that two questions arose in connexion with paragraphs 2 and 3 of the article: whether the provisions in question were contrary to the recognized rights of third countries under international law, and whether an effective convention could be drawn up to prevent the illicit traffic in drugs without including those provisions.

His delegation considered that both questions should be answered in the negative. The provisions of the two paragraphs were in fact more a concession to third countries than an obligation imposed on them, since the paragraphs would enable those countries to import narcotics from and export them to parties. Paragraph 2 authorized and required the Board to request all States, whether or not they were parties, to furnish estimates. That procedure infringed no rule of international law and had in fact been in effect for more than thirty years. Paragraph 3 obligated only the Board and not non-party countries. It provided only that a country might, if it wished, co-operate with the Board.

There was no doubt that, in order to be effective, the Convention should provide for the application of the estimate system by all the countries of the world. Since 1925 the system had been recognized as one of the cornerstones of the international control system and it could not be eliminated without risking the collapse of all control.

Mr. VERTES (Hungary) wished to support the position taken by the Soviet delegation at the previous meeting. If a country could not obtain the necessary quantities of drugs because the estimate made by the Board fell below its actual needs, as had happened in the case of the Mongolian People's Republic, the consequences for public health in that country might be very serious. The main object of the Convention, after all, was to save human lives and to relieve pain.

Replying to a question from Mr. GREEN (United Kingdom), Mr. KALINKIN (Union of Soviet Socialist Republics) said that the alternative wording of paragraph 3 suggested by his delegation (E/CONF.34/L.23) was not intended as a formal proposal, but as a formula which the Conference might usefully consider if it found that it could not accept paragraph 3 as it stood. Moreover, the text in no way conflicted with the principles contained in article 2, as adopted. His delegation agreed with the United States representative that article 20, paragraph 2, was in no way contrary to international law. Its objections were directed more towards paragraph 3, since, although the Board could quite properly request countries to furnish estimates, it could not, on the other hand, substitute itself for governments and establish those estimates itself, for it was not acquainted with the methods used by each country to prepare its statistics. His delegation was fully aware of the problems which might arise if paragraph 3 was simply deleted. That was why it had proposed a compromise text, since it considered the paragraph entirely unacceptable as it stood. The problem was particularly important for the countries which had never submitted estimates in the past and for those which had recently

become independent. Guarantees should therefore be provided that there would be no inconsistencies or abuses such as had taken place, for example, in the case of the Mongolian People's Republic.

Mr. BANERJI (India) pointed out that the article 2 which appeared in the report of the competent *ad hoc* committee (E/CONF.34/16) was almost identical with the text suggested by the Soviet representative. Moreover, the two articles were interdependent and it would therefore be preferable for the Conference to return to the point after it had taken a decision on article 22.

The PRESIDENT said that representatives should have an opportunity to examine the text submitted by the Soviet Union at leisure. He proposed that the Conference should vote on article 20, subject to the possible reconsideration of paragraph 3.

Subject to that reservation, article 20 was adopted unanimously.

Article 21 (Administration of the statistical returns system)¹

The PRESIDENT pointed out that, according to the report of the *ad hoc* committee (E/CONF.34/14), the USSR delegation considered that paragraph 2 could only be properly considered in conjunction with article 48. He suggested that the Conference should return to that paragraph when it reconsidered article 20, paragraph 3.

It was so agreed.

The remainder of article 21 was adopted unanimously.

Article 4 (Obligations of the parties)¹

The PRESIDENT, drawing attention to the report of the *ad hoc* committee (E/CONF.34/14 and Corr.1), put to the vote the proposal that paragraph 2 should be deleted.

The proposal was adopted by 14 votes to none, with 5 abstentions.

Article 27 (Statistical returns to be furnished to the Board) (resumed from the previous meeting)

The PRESIDENT drew attention to the Indian delegation's amendment (E/CONF.34/L.22).

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said he interpreted the Indian amendment to mean that the furnishing of information other than that referred to in paragraph 1 (i) would be optional. In other words, a country would furnish such information only if it so desired. If that was the case, his delegation could accept the amendment.

Mr. NIKOLIC (Yugoslavia) agreed that States should be left free to send or not to send such information. However, the phrase "as far as possible" was hardly satisfactory; obviously, it was not impossible for a country to provide the information, since each country knew very well how many hectares were under control.

¹ Previously discussed at the 17th and 18th plenary meetings.

Mr. BANERJI (India) said that his delegation's amendment introduced an element of flexibility. The information in question should certainly be furnished if that was possible, since it would be very useful. But some countries might be genuinely unable to do so, for example, because they did not have or were not in a position to establish the necessary statistical machinery.

Mr. NIKOLIC (Yugoslavia) considered that the Indian amendment would in no way improve the text, which remained as rigid as before. He suggested that the provision should declare it desirable that the statistics should be furnished.

Mr. ACBA (Turkey) agreed that, under the Indian amendment, all the parties to the Convention would be required to furnish statistics. He would agree to the Yugoslav representative's suggestion.

Mr. BANERJI (India) said that, despite his preferences, he was prepared to accept that change as a compromise.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said he could not agree to the suggestion of the Yugoslav representative because it would make the text even more rigid than the Indian amendment. To say "it is desirable that the parties should furnish..." would mean that the submission of information was no longer left to the initiative of the parties.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that at the previous meeting a majority of delegations had voted for the deletion of paragraph 1 (a). Yet, the Conference had before it an amended version of that clause. It was surely out of order to vote twice on the same question.

Mr. NIKOLIC (Yugoslavia) did not think that the expression "it is desirable that" implied an obligation. There was a great difference of substance between an obligation and the expression of a desire.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that if the expression "it is desirable that" were included in the Convention, the parties which had not furnished such information would find themselves in a difficult situation; they would therefore be virtually obliged to supply it. In the future, countries would be guided solely by the actual text of the Convention. It was, therefore, important that it should be clear.

Mr. MONTERO-BUSTAMANTE (Uruguay) supported the Yugoslav representative's suggestion. Moreover, whether it was an obligation or simply something desirable, the moral aspect should prevail.

Mr. KALINKIN (Union of Soviet Socialist Republics) recalled that article 55 of the Convention dealt with the settlement of disputes and provided for arbitration in the event of difficulties of interpretation. However, it would be better if the text of the Convention were as clear as possible, in order to avoid such difficulties. It should therefore be established without doubt whether or not the Indian and Yugoslav amendments created an obligation. If the representative of India considered

that his amendment should appear in the Convention, any idea of "desire" should be excluded and it should be incorporated in a resolution annexed to the Convention.

Mr. GREEN (United Kingdom) supported that suggestion: it would enable the authors of the amendments to withdraw them; in any event, as had been said repeatedly, the information in question had only a marginal value—it was unnecessary, therefore, to prolong the debate on that point.

Mr. NIKOLIC (Yugoslavia) agreed to withdraw his suggested sub-amendment.

Mr. BANERJI (India) said he would be prepared to replace the word "shall" in his delegation's amendment by the word "may".

The Indian amendment, as revised, was adopted by 25 votes to 1, with 23 abstentions.

Mr. GREEN (United Kingdom) explained that he had abstained because he believed that the new provision served no useful purpose and should not appear in an international convention.

Mr. KARIM (Pakistan) and U TIN MAUNG (Burma) said that they had abstained for the same reasons.

Mr. NIKOLIC (Yugoslavia) said that it was for those reasons that he, too, had voted against the amendment.

Article 27 as a whole was adopted by 44 votes to none, with 2 abstentions.

Article 22 (Measures to ensure the execution of the provisions of the Convention) (resumed from the 18th plenary meeting)

The PRESIDENT drew attention to the report of the *ad hoc* committee appointed to deal with article 22 (E/CONF.34/16).

Mr. GURINOVICH (Union of Soviet Socialist Republics), speaking as chairman of the *ad hoc* committee, said that the committee had unanimously decided to take the United Kingdom amendment (E/CONF.34/C.10/L.3) as the basis of its work.

Mr. GREEN (United Kingdom) said that during the *ad hoc* committee's discussion two modifications of substance had been made in the original United Kingdom text for article 22. Those were the passages underlined in the text reproduced in the report. The intention of the first modification was to ensure that the Board would not take any action on the basis of estimates which it had itself established. The second modification called for an explanation. The *ad hoc* committee had adopted the proposal on which that modification was based without realizing its full significance. The representative of the USSR had made a statement at the 28th plenary meeting which explained his attitude. It was apparent that the effect of the modification would be that the Board could not take any action against the parties to existing conventions or any other countries which had never submitted estimates to the PCOB since the initiation of the system, and that the future board, too, was to be prevented from taking

any action against States which, in the future, failed to provide it with estimates. The PCOB and the DSB would eventually cease to exist, but they would remain in being for some time after the new Convention came into force. If a State not a party to the Convention were to send them estimates, the provisions of article 22, paragraph 1, would become applicable to it. That was no doubt an arbitrary way of drawing a dividing line but the representative of the Soviet Union himself wanted one to be drawn; in his opinion, the distinction was between States which for various reasons were not in a position to furnish estimates, and those which could not become parties to the Convention and hence should not furnish them. The provision proposed by the USSR which had been endorsed by the Indian delegation and approved by the Committee, therefore gave an advantage to States which did not furnish estimates either to the PCOB or to the DSB for, knowing that the Board could take no action against them, they would have no incentive to change their attitude.

A second objection to that modification was that the very hypothetical danger of an injustice towards the States which could not become parties was not a sufficient reason for leaving such a gap in the estimates system. Although at the moment some States could not become parties, it was to be hoped that the Convention would remain in force for a long time and that circumstances would change. Furthermore, if a country could become a party but did not do so, it would be a pity if the powers of the Board were limited solely in order to avoid an injustice. There was no reason why non-party States should refuse to co-operate. If they co-operated, the bar to the exercise of the Board's powers would automatically disappear. The Convention stressed the impartiality incumbent upon the Board. There was every reason to believe that it would always act with the greatest circumspection. If it had to make an inquiry into the situation in a non-party country, it would act with even more circumspection. If it discovered a situation which jeopardized the aims of the Convention, it was not right that it should be prevented from taking steps to remedy that situation. The USSR text would make it impossible even to ask for explanations. Lastly, it should not be forgotten that the severest measure the Board could take was to recommend an embargo, and that the parties were not even compelled to observe it. The USSR text was therefore unacceptable to the United Kingdom delegation, which would ask for a separate vote on the passage in question.

Mr. KOCH (Denmark) agreed with the remarks of the representative of the United Kingdom. The Danish delegation had abstained from the vote in the *ad hoc* committee, because it had not had time to give full consideration to the implications of the USSR proposal. It had understood its purpose to be to limit the powers of the Board to the States parties to the Convention, or to those who co-operated with the Board by furnishing estimates. The reaction of the Danish delegation to the proposal had been mixed: on the one hand, it had felt that, if the Convention were to be effective, the Board should be able to apply the measures envisaged in article 22—which were in any case limited—on a

universal basis; but, on the other hand, by reason of the sound principle that there could be no obligations without corresponding rights, it thought it would be difficult to impose obligations on non-party States which did not send estimates to the Board and did not enjoy any rights under the Convention. On examining the question more closely, however, his delegation had come to the conclusion that the principle was not applicable. The only obligation—a moral obligation—imposed by article 22 was to respect the aims of the Convention and those aims, which were to exercise control over drugs and to prevent illicit traffic, should be the aims of all States, whether or not they were parties to the Convention. It was therefore quite reasonable that the Board, if it found that any State was not conforming to those aims, should be able to take steps to remedy that dangerous situation.

With regard to the rights of States, to which the representative of the USSR had referred the previous day, surely no State could claim to be exempt from giving explanations or from being the subject of an embargo recommendation. Any State could, on its own initiative, decide to apply an embargo against another State. Why should the parties to the Convention not enjoy that right?

He therefore favoured a separate vote on the relevant part of article 22 as adopted by the *ad hoc* committee.

Mr. DANNER (Federal Republic of Germany) endorsed the views of the representative of Denmark. The modification in question had been submitted orally to the *ad hoc* committee and his delegation had not immediately realized the serious gap which might result in the estimates needed by the Board. He had therefore voted for the modification; but after a closer examination, he was obliged to reconsider his decision.

Dr. MABILEAU (France) pointed out that the debate on the question in the *ad hoc* committee had been extremely confused; a vote had been taken before the possible effects of the USSR proposal had been clearly understood. For that reason, the French delegation had abstained from voting. After further study, it appeared that the amendment might imply that there were countries which, technically, did not wish to collaborate with the Board. A refusal to collaborate appeared highly improbable. The figures quoted by the Executive Secretary at the 27th plenary meeting indicated that almost all States were collaborating with the PCOB under the existing instruments. It was regrettable that, for reasons of a non-technical nature, certain States experienced difficulties, and thus deprived themselves of the technical services which the PCOB could provide. However, the provision under consideration should apply to all States and, for that reason, he supported the idea of a separate vote on the passage in question.

Mr. WIECZOREK (Poland) agreed with the representative of Denmark that there could be no obligations without rights, but he did not agree that the obligations resulting from the Convention were of minor importance and could readily be applied to all States, whether or not they were parties to the Convention. Even if that

were so, the Convention could be binding only on those States which freely undertook to apply its provisions; any other requirement would be contrary to the principles of international law. Furthermore, all States were equal before the law and were therefore free to refuse to be bound by an instrument to which they were not parties. Meaningless formulae, which would prove ineffective, should therefore be avoided and, in the case of non-party States, the Conference should adopt only provisions which requested their collaboration. The text approved by the *ad hoc* committee was sufficiently flexible to enable States which later became parties to the Convention and non-party States to participate in the work of the Board and to collaborate with it. He therefore supported that text.

Mr. ARVESEN (Norway) formally requested a separate vote on the following passages of sub-paragraph 1 (a) of article 22: "A party or" and "which not being a party..." down to "... article 20 of this convention". He proposed the deletion of the passages in question.

Mr. BANERJI (India) thought that the arguments just put forward had much to commend them. However, he thought that there was in fact a misunderstanding due to a fault in the drafting. The URSS proposal as endorsed by India had been based in the following consideration: there were three groups of countries: States parties; States which, not being parties, furnished estimates to the Board; and States which were not parties and which did not furnish estimates to the Board. For the first two categories of States, the obligation to provide information in the case envisaged in article 22 was absolute; but for the third category, which included only a small number of States, the provision of information was optional, which was logical inasmuch as article 48, in its existing form, debarred certain States from becoming parties to the Convention. It would not therefore be reasonable to impose obligations on them.

Mr. BEVANS (United States of America) said that several references had been made to international law, but he was not clear precisely what had been meant. He quoted a text, the authority of which, he believed, was generally recognized: the Statute of the International Court of Justice. Article 38, paragraph 1 (b), of the Statute quoted as a source of international law "international custom, as evidence of a general practice accepted as law". For thirty years, ever since the 1931 Convention, the PCOB had been asking for information from all States; the practice had therefore become international custom, which was a rule of law, and there were no grounds for discontinuing it.

The meeting rose at 1.5 p.m.

THIRTIETH PLENARY MEETING

Thursday, 9 March 1961, at 3.10 p.m.

President: Mr. ASLAM (Pakistan)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 22 (Measures to ensure the execution of the provisions of the Convention) (continued)

The PRESIDENT said that at the previous meeting the Norwegian delegation had proposed that the following words should be deleted from the underlined passage of article 22, paragraph 1 (a), as reproduced in the *ad hoc* committee's report (E/CONF.34/16): "a party or... which not being a party has been furnishing such estimates to the PCOB or the DSB as also any other country or territory not being a party which may in future furnish such information, upon being requested to do so, in accordance with article 20 of this Convention". If those words were deleted, the provision would then read: "... by reason of the failure of any country or territory to carry out..."

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) proposed that the words "any country or territory" in the underlined text should be put to the vote separately.

Mr. GREEN (United Kingdom) said that the re-draft of article 22 which had been submitted by the United Kingdom to the *ad hoc* committee (E/CONF.34/C.10/L.3) had been worded "... the failure of a country or territory to carry out..." The underlined text in the *ad hoc* committee's report had been substituted by the Committee on the basis of a proposal by the USSR, as modified by India. Thus, the Norwegian proposal was in effect a proposal to restore the original United Kingdom text. The vote should be divided into two parts, the first being on the retention of the words "any country or territory" and the second on the retention of the words added by the *ad hoc* committee.

Mr. BANERJI (India) suggested the Conference should vote first on the entire underlined passage beginning with the word "party" and then, if that text was not adopted, on the words "any country or territory" as in the draft originally proposed by the United Kingdom.

The PRESIDENT said that, as there was no objection, the vote would be taken in that form. He accordingly invited the Conference to vote on the retention of the underlined passage of paragraph 1 (a) beginning with the word "party".

At the request of the Ukrainian representative, a vote was taken by roll-call.

The Netherlands, having been drawn by lot by the President, was called upon to vote first.

In favour: Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Hungary, India.

Against: Netherlands, New Zealand, Norway, Pakistan, Panama, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Brazil, Canada, Chile, China, Congo (Leopoldville), Denmark, Finland, Federal Republic of Germany, France, Greece, Holy See, Iran, Japan, Jordan, Republic of Korea, Mexico.

Abstaining: Peru, Philippines, Switzerland, Thailand, Turkey, United Arab Republic, Yugoslavia, Argentina, Chad, Guatemala, Indonesia, Israel, Liberia.

The passage was rejected by 25 votes to 12, with 13 abstentions.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) pointed out that, as a result of the deletion on which the Conference had just decided, the text read "... by reason of the failure of a ... to carry out the provisions of this convention." He therefore proposed a text to fill that gap.

Mr. FINGER (United States of America), speaking on a point of order, said that the Byelorussian proposal was out of order because the Conference had already started to vote in the manner proposed by the Indian representative. A vote should be taken on the reinstatement of the words "any country or territory" in paragraph 1 (a).

After some discussion, the PRESIDENT ruled the Byelorussian proposal out of order under rule 41, paragraph 1, of the rules of procedure.

He invited the Conference to vote on the restoration of the words "any country or territory".

At the request of the Ukrainian representative, a vote was taken by roll-call.

Mexico, having been drawn by lot by the President, was called upon to vote first.

In favour: Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Australia, Brazil, Canada, Chile, China, Congo (Leopoldville), Denmark, Finland, Federal Republic of Germany, France, Greece, Guatemala, Holy See, Iran, Israel, Japan, Jordan, Republic of Korea.

Against: Poland, Romania, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary.

Abstaining: Switzerland, Turkey, United Arab Republic, Yugoslavia, Argentina, Cambodia, Chad, Ghana, India, Indonesia, Liberia.

The words "any country or territory" were adopted by 30 votes to 11, with 11 abstentions.

Mr. RABASA (Mexico) said that, if his delegation had had the slightest doubt that the provision as adopted might impose obligations on third parties, it would have voted against it. It had, however, always been of the opinion that the provisions of the Convention

did not affect third parties or impose obligations on them without their consent. There were two aspects to that question, the legal one, which had been exhaustively discussed by the USSR representative at the 28th meeting, and the practical one. As the USSR representative had pointed out, in international as in private law, the source of contractual obligations was consent. It was therefore impossible for the parties to the Convention to impose obligations on third countries without their consent.

There was another concept of international and private law which had relevance to the present issue. Parties to an agreement could enable third States to enjoy the benefits of the obligations which the parties had accepted or they could offer to such States the opportunity of accepting those advantages together with the concomitant obligations. A third country could either accept or reject the offer made to it. If it rejected the offer, it could incur no legal obligation, and no penalty for not accepting.

The point he had just made was particularly pertinent to the situation which would exist when the Single Convention came into force. It would continue the existing control system, with its aim of ensuring that narcotic drugs were used for medical and scientific purposes only. In order to function properly, that system had to be complete and world-wide. The parties to the Convention, which were the main participants in the control system, could offer to non-parties the advantages of the system, leaving them free to co-operate or not, as they saw fit. If they declined, they incurred no obligation, but if they accepted, they would have to accept the obligations which went with the advantages of the system. If they accepted both the benefits and the obligations of the control system, they would be entitled to import and export drugs on the same footing as countries parties to the Convention, which would not otherwise be possible.

His delegation was convinced that the provision was not in any way an infringement of the sovereign rights of States. If it had had any such doubt, it would have voted against the provision, for Mexico was jealous of its own sovereignty and respected the sovereignty of others. The important thing was that the control system should be watertight.

The PRESIDENT put to the vote article 22 as proposed by the *ad hoc* committee (E/CONF.34/16), as amended.

Article 22, as amended, was adopted by 35 votes to 8, with 6 abstentions.

Article 20 (Administration of the estimate system) (resumed from the previous meeting)

The PRESIDENT said that at the previous meeting it had been agreed that article 20, paragraph 3, might be reconsidered. He invited debate on that provision, for which the USSR had suggested a re-draft (E/CONF.34/L.23).

Mr. KALINKIN (Union of Soviet Socialist Republics) wished to explain why paragraph 3 of article 20

as it stood was unacceptable to his delegation. As he had pointed out earlier, it was obvious from the drafting of the corresponding provision in the 1931 Convention—from which paragraph 3 had been taken—that its purpose had been to induce the largest possible number of States to accede to the Convention. However, the value of estimates established by the Board for States not parties to the Single Convention was extremely doubtful, for in the case of a State which had never submitted estimates in the past, the Board could base its estimates only on comparisons with the figures for other States. Such a procedure conflicted with the very purpose of the Convention. The provision in paragraph 3 would create considerable difficulties for the Soviet Union which, in its narcotics trade with the Republic of Mongolia, provided supplies based on that country's real needs and not on the Board's estimates of those needs. It would, indeed, make it very difficult for the USSR to participate in the Convention. In any case, even after the Single Convention came into force, countries which had been furnishing estimates to the DSB under the 1931 Convention would continue to do so, and there would therefore be no hiatus. In fact, over the past thirty years, practically all countries in the world had come to recognize the principle of furnishing estimates in accordance with the procedure laid down in the 1931 Convention. Far from encouraging more States to accede to the Convention, such a provision might actually discourage them and would constitute discrimination against those countries which, under article 48, were debarred from acceding to the Convention.

Under the Soviet delegation's redraft for paragraph 3, the Board would be entitled to establish estimates in respect of: (a) the parties to the Single Convention which had not so far been furnishing estimates; and (b) States already furnishing estimates under the 1931 Convention whether or not they were parties to the Single Convention. However, the Board would not be authorized to establish estimates for States which were debarred from becoming parties to the new Convention. It would, in fact, be very difficult for the Board to do so, because while it would have no difficulty in calculating estimates for countries which had previously furnished estimates because it was familiar with their methods, it would have no information on the methods used by States which had not previously furnished such estimates. The Soviet delegation would be willing to submit its redraft as a formal amendment, if paragraph 3 as it stood were rejected.

Mr. KRUYSSSE (Netherlands) said that the provision in question was taken from the 1931 Convention and hence did not constitute an innovation. The estimates system, whereby a country was required to furnish an estimate before drugs could be exported to it, was of fundamental importance to the working of the Convention. Moreover, there was nothing discriminatory in the provision since it applied to both parties and non-parties alike and, in fact, the formal obligation imposed on the DSB by the 1931 Convention to establish estimates for countries which did not submit them

made it possible for parties to trade with non-parties. In that connexion, he drew attention to article 42, paragraph 1, of the Single Convention. Moreover, it should be clearly understood that the Board was not exercising any right in establishing such estimates, but was fulfilling an obligation. According to the Soviet redraft, a certain category of State would apparently be excluded from the obligation of the Board to establish estimates. But if article 42, paragraph 1, were retained, the parties would be unable to export narcotics to the States in question. He was therefore opposed to the Soviet redraft.

Mr. GREEN (United Kingdom) said that the control system had to be complete and world-wide. It was hard to see why any country should object to furnishing estimates of its drug requirements, which were necessary for the world-wide control of narcotics. Nor could he see why a country failing to send estimates should object to the Board—which was responsible for the control system—filling in the gap for the benefit of the parties. It was also strange that the provision should be regarded as discriminatory, when a country could itself easily correct the situation by informing the Board that it had not accurately estimated its requirements. It could either inform the Board directly or through the intermediary of another country. He agreed that there were certain countries which could in the future become parties of the Convention and should be encouraged to do so. However, any loopholes in the Convention would actually discourage them from acceding. It also seemed illogical to draw a dividing line so that the Board would not be entitled to establish estimates in the case of a country which had never furnished estimates at any time in the past, but would be entitled to do so in the case of a country which had perhaps once submitted an estimate many years before. His delegation, too, was opposed to the Soviet amendment.

The PRESIDENT asked the Conference to decide by a vote whether paragraph 3 of article 20 should be retained.

The result of the vote was 31 in favour, 8 against, with 8 abstentions.

The paragraph was adopted, having obtained the required two-thirds majority.

Article 20, as a whole was adopted.

Article 21 (Administration of the statistical returns system) (resumed from the previous meeting)

The PRESIDENT said that at the previous meeting it had been agreed that the decision on article 21, paragraph 2, would be held over pending the reconsideration of article 20, paragraph 3. In view of the vote just taken, he asked the Conference to decide by a vote whether paragraph 2 of article 21 should be retained.

The result of the vote was 34 in favour, 8 against, with 3 abstentions.

The paragraph was adopted, having obtained the required two-thirds majority.

Article 21, as a whole, was adopted.

The meeting rose at 5.15 p.m.

THIRTY-FIRST PLENARY MEETING

Thursday, 16 March 1961, at 8.30 p.m.

President: Mr. ASLAM (Pakistan)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1)
(continued)

The PRESIDENT invited the Conference to consider the group of articles relating to the Commission and the Board (last considered at the 25th plenary meeting) in the light of the report of the *ad hoc* committee appointed to deal with those articles (E/CONF.34/17).

Article 7 (Constitutional position and continuity of functions of the Commission)

Mr. DANNER (Federal Republic of Germany) reiterated his view that the solution proposed by the *ad hoc* committee was not satisfactory, for it excluded countries which were not Members of the United Nations from the Commission. He supported the opinion of the Mexican representative as recorded in footnote 2 to the *ad hoc* committee's report (E/CONF.34/17); he, too, considered that the Commission should have its constitutional basis in the Single Convention.

Mr. BERTSCHINGER (Switzerland) shared that view.

Mr. ACBA (Turkey) also thought that the Commission should not be a functional commission of the Economic and Social Council, but should be established by the Convention.

Mr. NIKOLIC (Yugoslavia), supporting the Turkish representative, said that the constitution of the Commission should be laid down in the Convention.

Mr. BANERJI (India), agreeing with the representatives of Mexico, Turkey and Yugoslavia, thought that the text proposed for article 5 should be taken to mean that the Commission's powers flowed legally from the Convention.

Article 7 was deleted as suggested by the ad hoc Committee.

Article 10 (Decisions and recommendations of the Commission)

Subject to the correction of a drafting mistake, paragraph 1 as redrafted by the Committee was adopted.

Paragraph 2 was deleted.

Article 11 (Functions of the Commission)

The introductory clause and paragraph (a) of article 11 were adopted as redrafted by the Committee.

Consideration of paragraph (b) was postponed until after article 54 had been discussed.

Paragraph (c) (i) was deleted.

Mr. RODIONOV (Union of Soviet Socialist Republics) proposed that no decision should be taken on

paragraph (c) (ii) for the time being. To amend the list of items in respect of which parties were required to furnish statistics and estimates in accordance with articles 27 and 28 was tantamount to amending the Convention itself. That being so, it would be better to leave the question in abeyance until the Conference considered article 54, which dealt with amendments.

Mr. NIKOLIC (Yugoslavia), Mr. CURRAN (Canada), and Mr. ACBA (Turkey) supported that view.

The PRESIDENT suggested that consideration of the clause in question should be postponed until the discussion of article 54.

It was so agreed.

Paragraph (d) was deleted.

Paragraphs (e) and (g), as redrafted by the Committee, were adopted.

Paragraph (h) was deleted.

Paragraph (i) was adopted, subject to drafting changes, as suggested by the Committee.

Paragraph (j) was deleted.

Article 13 (Composition of the Board)

The introductory clause of paragraph 1 was adopted as re-drafted by the Committee.

Mr. BANERJI (India) observed that, when the *ad hoc* committee had considered paragraph 1 (a) and (b) it had not perhaps fully taken into account all the consequences of the changes it had finally suggested, as a result of which the increase in the number of seats to be filled by candidates nominated by WHO would be proportionately larger than that of seats to be filled by candidates nominated by States Members of the United Nations and by parties which were not Members. He had no fundamental objection to that; all that he wished to do was to point out that the object of increasing the membership of the Board had been to make it easier for experts from the smaller producing consuming countries to belong to it.

Mr. CURRAN (Canada) said that the Indian representative's remarks should be taken into account, since they related to the principle of equitable geographical representation, which was of great importance in that connexion. The representative of Afghanistan had proposed that the composition of the Board should be broadened so as to take into account the increase in the membership of the United Nations; it had been suggested at first that the Board should consist of thirteen members, but later that number had been reduced to eleven. Since the main task of members elected from the WHO list would be to give technical advice, their number could be fixed at two, and the number of members chosen from the list of persons nominated by countries should increase correspondingly. He did not wish to make a formal proposal, but he was inclined to think that equitable geographical representation should be the governing factor.

Mr. NIKOLIC (Yugoslavia) and Mr. ACBA (Turkey) agreed with the representatives of India and Canada

and thought that it would be advisable to increase the number of seats allotted to candidates nominated by countries.

Dr. HALBACH (World Health Organization) said that he realized that some people might consider an increase in the number of seats allotted to WHO candidates to be an infringement of the principle of equitable geographical representation. He pointed out, however, that, since WHO had more members than the United Nations, the principle of equitable geographical representation would be better served if three members of the Board were chosen from the list of persons nominated by WHO.

Mr. YATES (Executive Secretary) said that perhaps there was a misunderstanding with regard to past elections. Since WHO candidates had to be put forward first, the Economic and Social Council to that extent had somewhat less latitude for ensuring equitable geographical distribution. It had to be borne in mind, however, that the persons nominated by WHO themselves represented different parts of the world.

Dr. MABILEAU (France) thought that the issue raised no difficulty. In fact, WHO would necessarily provide a wider choice of candidates since its membership was larger than that of the United Nations.

Paragraph 1 (a) and (b), as re-drafted by the Committee, was adopted.

Paragraph 2 was deleted.

Mr. CURRAN (Canada), referring to paragraph 3, said that in the *ad hoc* committee it had been emphasized that members of the Board should possess the necessary competence and impartiality. His delegation had pointed out that persons who, while not being specialists in narcotics control, nevertheless possessed general qualifications for membership of the Board, should not be debarred. Accordingly, the expression "technical competence" should not be construed in its narrowest sense.

Mr. ACBA (Turkey) said that, by reason of the nature of the Convention, the members of the Board should be experts in narcotic drugs.

Mr. NIKOLIC (Yugoslavia) entirely agreed.

Paragraph 3 was adopted as amended by the Committee.

Mr. ACBA (Turkey), referring to paragraph 4, said that his delegation had explained at length its view on the composition of the Board. It thought that the Board should include three representatives of producing countries, three representatives of manufacturing countries and one representative of consuming countries, as was stated in the amendment which it had submitted to the *ad hoc* committee (footnote 4 to the committee's report). Since the members of the Board would have to have a thorough knowledge of the subject, it should be laid down that specialists were to be appointed for each of those three groups. The Committee, however, had not accepted the Turkish amendment. Yet, it was useless to look for independent candidates, because the experts who made up the Council would not be able to forget their nationality entirely. It would be easier to elect people whose competence was recognized

by the Economic and Social Council as, being experts, they would be able to solve the various problems which arose. If the Conference decided otherwise, he would ask for a roll-call vote on paragraph 4. In any case, if that paragraph was retained as drafted, his delegation would be obliged to make reservations when signing the Convention. He proposed that the paragraph should be amended in the manner proposed by his delegation in committee.

In reply to a question, he said that he would not insist on any particular figure; it was the idea behind his proposal that mattered. The figures given in the Turkish amendment should be considered rather as indicating ratios and would ultimately depend on the total number of representatives on the Board.

Mr. CURRAN (Canada) thought that to take a roll-call vote on paragraph 4 would be to over-simplify the matter. The Board's impartiality and effectiveness would hardly be assured by a fixed and rigid composition, for example, by stipulating that it must have three representatives of producing countries, three representatives of manufacturing countries and one representative of consuming countries. It was not clear, moreover, exactly what was a producing country. Was it a country that produced opium, or cannabis, or a manufacturing country? In any case, it was not a good idea to indicate the number of representatives of each vested interest in the paragraph.

Mr. GREGORIADES (Greece) said that the Turkish amendment dealt with two questions, the number of representatives and their qualifications. When the paragraph had been considered for the first time in plenary, the Greek delegation had said that one of the qualifications of candidates for the Board should be a knowledge of the international treaties and instruments relating to the world drug trade. If the words "possessing knowledge of the worldwide situation of narcotics" in the Turkish amendment implied that candidates would have to be familiar with the international instruments governing the narcotics trade, he could accept the amendment.

Mr. ACBA (Turkey) said that the experts elected to the Board should know the international treaties and instruments relating to the narcotics trade.

The expression "producing countries" meant countries producing natural narcotics. Countries which produced synthetic substances were manufacturing countries. All members of the Conference were aware of the distinction, and that was why it was possible to classify the different countries as predominantly producing, manufacturing or consuming countries without risk of misunderstanding.

It would be easy to find nationals of producing countries who fulfilled the requirements of paragraph 4. They would be just as capable of being impartial as nationals of any other countries. All three categories had to be represented on the Board if it was to inspire confidence. That should be indicated in the Convention by specifying the kind of representatives who were to make up the Board.

Mr. BANERJI (India) said that the question was an important one. His delegation fully understood the Turkish delegation's point of view. India had, in fact, been a co-sponsor of the amendment in question. After consulting many other members of the committee, however, his delegation had come to the conclusion that if the amendment was accepted, the Economic and Social Council would be faced with serious difficulties. Although the Council's attention should be drawn to certain essential criteria to be observed in the election of the Board, the criteria should not be too numerous. The more such criteria were imposed on the Council, the more difficulty it would have in finding candidates. It would be preferable to maintain paragraph 4 as drafted, subject to the Committee's recommendation concerning a reference to the principle of equitable geographical distribution.

Mr. NIKOLIC (Yugoslavia), referring to the Turkish representative's statement that he was less concerned about the figures given in his amendment than about the idea of equitable distribution, said that if the committee's recommendation was adopted, the paragraph should satisfy the Turkish representative. He therefore asked whether the latter would withdraw his request for a roll-call vote.

Mr. ACBA (Turkey) said that by virtue of paragraph 4 as drafted the Council was to give consideration to the importance of including on the Board persons "possessing a knowledge of the drug situation, both in the producing and in the manufacturing countries on the one hand, and in the consuming countries on the other hand". It would be better to stipulate that the producing, manufacturing and consuming countries should be considered separately and that an equitable distribution should be observed between those three categories. If the text was revised on those lines, he could accept the Yugoslav representative's view and would not insist on specific figures.

Mr. TABIBI (Afghanistan) said that he too hoped that the Turkish representative would withdraw his proposal. Paragraph 4 as it stood met the requirements of the Turkish delegation and had the advantage of being flexible. He hoped that an increase in the membership of the Economic and Social Council would lead to a corresponding change in the structure of the Board.

Mr. CURRAN (Canada) thought that the paragraph was quite clear. The effect of the Turkish amendment would be to "freeze" the control system, irrespective of the possible, and unforeseeable, developments in the narcotics situation. Natural drugs might well lose much of their importance. The Council should therefore be allowed the greatest possible latitude in the election of the Board.

Mr. ACBA (Turkey) said that, however the narcotics situation might develop, it was essential for the welfare of mankind that natural drugs should be brought under control and, consequently, that the Board should be adapted to present needs. The countries producing natural narcotics, which had made a remarkable contribution to the suppression of drug addiction, should be

represented on the Board. paragraph 4 as it stood did not satisfy his delegation, which found the latitude given to the Council rather disturbing from those countries' point of view.

Mr. VERTES (Hungary) drew attention to the definitions given in article 1 and particularly to those of "manufacture" and "production". The term "manufacture" could mean the production of natural alkaloids. Perhaps, therefore, it would be advisable to define "producing country" in terms distinguishing between countries which produced and manufactured natural drugs and those which manufactured synthetic drugs.

Mr. GREEN (United Kingdom) said that everyone knew what was meant by "producing countries". Any further discussion would be superfluous and it was time to take a vote on the Turkish amendment.

Mr. NIKOLIC (Yugoslavia) proposed that, as a compromise, the words "both in the producing and the manufacturing countries on the one hand, and in the consuming countries, on the other hand" should be replaced by the words "in the producing, manufacturing and consuming countries".

Mr. ACBA (Turkey) said that he was prepared to accept that formula.

The PRESIDENT stated that he would consider the request for a roll-call vote to have been withdrawn. The drafting committee would take the proposal that had been made into account.

Paragraph 4 was adopted as re-drafted by the Committee and subject to the proposed drafting change.

Article 14 (Terms of office of members of the Board)

Paragraph 1 was adopted as re-drafted by the ad hoc Committee.

Paragraph 2, including the Committee's suggestion, was adopted.

Paragraphs 3, 4 and 5 were adopted as re-drafted by the Committee.

Article 15 (Privileges, immunities and remuneration of members of the Board)

Paragraphs 1 and 2 were deleted.

Paragraph 3 was adopted, as amended by the Committee and subject to the Committee's suggestion.

Article 16 (Rules of procedure of the Board)

The interpretation of paragraph 1 and the new paragraph 3 proposed by the Committee were adopted.

Article 19 (Functions of the Board)

Article 19 was deleted.

Article 23 (Reports of the Board to the Council and parties)

Article 23 as re-drafted by the Committee was adopted, subject to drafting changes.

The meeting rose at 10.30 p.m.

THIRTY-SECOND PLENARY MEETING

Friday, 17 March 1961, at 2.45 p.m.

President: Mr. ASLAM (Pakistan)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1)
(continued)

The PRESIDENT invited debate on the report of the *ad hoc* committee appointed to deal with chapter IX (Measures against illicit traffickers) (E/CONF.34/19).¹

Article 45 (Penal provisions)

Mr. ARVESEN (Norway) said that the phrase "and any other action which in the opinion of the parties . . ." in paragraph 1 as re-drafted by the *ad hoc* committee might be misinterpreted. In the article as it appeared in the third draft of the Convention it was clear that the acts listed in paragraph 1 (a) were punishable only if contrary to the provisions of the Convention. The new wording was ambiguous; the words "may be contrary to the provisions of this Convention" seemed to apply only to "any other action", whereas all the acts set out in the list were punishable. Furthermore, if those words applied to the whole list of acts, how would the parties express their opinion? Would they submit it to the Control Board, and would it be necessary to have the opinion of all parties or only of the majority? The drafting committee might perhaps improve the drafting by replacing the text which was in the plural, by "in the opinion of each party", or, if it was thought desirable to retain a guarantee clause, by adding a sub-paragraph (b). That did not seem to be necessary, however; the passage in question appeared to be primarily for the benefit of federal States.

Mr. CURRAN (Canada) explained that the passage "and any other action . . ." had been added on the proposal of the USSR delegation after long and careful consideration; it had been thought that a list alone, even a detailed list, might be restrictive. The idea was not to authorize the Board or the Commission to decide what other actions might be deemed punishable offences under the legislation of each country. Such decisions were for each party to take. The formula had been adopted to simplify drafting. The drafting committee could no doubt change it to the singular to remove any ambiguity.

Mr. RIOSECO (Chile) said that the re-draft was far more satisfactory than that in the third draft, as was evident, moreover, from the majority support it had received in the *ad hoc* committee. It had the advantage of being drafted in clear and precise terms. Some delegations which had supported the text in the third draft had endorsed the *ad hoc* committee's re-draft. He hoped that the Conference would adopt it unanimously.

Mr. Von SCHENCK (Switzerland), referring to paragraph 2 (b), said that in the third draft narcotics offences were regarded as extraditable in accordance with existing extradition treaties. The *ad hoc* committee's re-draft did not make that obligation automatic. He proposed that after the words "it is desirable that", the words "the parties notify the Secretariat that they consider" should be added and that the words "be included" should be replaced by "as included".

Mr. GREEN (United Kingdom) said there was one point which the drafting committee should specify: it was not quite clear whether the offences covered by paragraph 2 (b) were those listed in paragraph 1 or whether they were simply offences of the same nature. In the last part of paragraph 2 (b) it was stated that the parties would have the right to refuse extradition if they considered that the offence was not sufficiently serious. The intention therefore seemed to be to leave the decision to the parties.

Dr. MABILEAU (France) drew attention to footnote 7, which indicated that the *ad hoc* committee had decided by a small majority to replace the word "severe" by the word "adequate" in paragraph 1. All delegations realized the difference in meaning between those words. It was obvious that offenders brought to trial were given adequate punishment. That was a matter of technical opinion based on a study of the pertinent penal laws. But within the range of penalties applicable for a specific offence it was left open to the judge to be severe or to be lenient. The antonym of "severe" was not "adequate", but "lenient". The word which the Convention should employ was therefore "severe". It did not at all imply cruelty or a reactionary penal system.

Mr. MAURTUA (Peru) noted that paragraph 1 listed acts which were punishable offences, then specified that they must be committed intentionally and finally singled out serious offences. The word "intentionally" was, however, difficult to interpret. The impression might be given that offences committed by omission or by negligence were not punishable.

Mr. CURRAN (Canada), in reply to the French representative, said that the severity of punishment depended on the law of the country and not on the judge, who acted in the light of the facts. The recommendation contained in paragraph 1 was addressed to legislators. With respect to the word "intentionally", he said the implication was more that of "knowingly". The drafting committee might be able to make the text somewhat clearer.

Mr. LEDESMA (Argentina), referring to paragraph 2 (a) (iv), asked which law would apply when an offender was tried for an offence committed abroad: the law of the State in which he had committed the offence, or that of the State in which he was tried? Also, sub-paragraph (a) (i) involved the risk of a violation of the rule *non bis in idem*.

Mr. WATTLES (Office of Legal Affairs), in reply to the first question of the Argentine representative, said that as the Convention did not state which law should apply, the choice would be for the country itself

¹ This report deals only with articles 45 and 46. Article 44 is the subject of another report (E/CONF.34/20) and is discussed later in this meeting.

and would depend on whether or not its law authorized the application of foreign laws. In reply to the second question he said that the operation of the provision relating to a distinct offence was subject to the legal system and domestic law of each party, and consequently no party would be placed in the position of violating the principle that no person could be tried twice for the same offence.

Mr. GAE (India) believed, unlike the French representative, that the word "adequate" was entirely appropriate. Without wishing to repeat the many arguments advanced in the *ad hoc* committee, he mentioned that it had been thought preferable to leave it to each State to decide what the adequate punishment should be. With regard to the financial operations mentioned in paragraph 2 (a) (ii), he said it should be made clear whether they related to the offences listed in paragraph 1 or only to preparatory acts. Lastly, sub-paragraph (a) (iv) involved the risk of an offender's being tried twice, in the country where he committed the offence and in the country where he was apprehended. It should be made quite clear that it must be one or the other.

Mr. CURRAN (Canada) said that the financial operations related to all offences and not only to preparatory acts. The drafting committee would endeavour to make that point clear and would also bear in mind the Indian representative's remark regarding sub-paragraph (a) (iv).

Mr. MAURTUA (Peru) said he failed to see why a distinction was made between a State's constitutional limitations, its domestic law and its legal system; a country's constitutional provisions and domestic law together made up its legal system. Perhaps the reference was to existing treaties, but in that case it would be better to say "international legal system".

Mr. WATTLES (Office of Legal Affairs) replied that the expression "legal system" was broader than "domestic law". It would not be proper to speak of the "international legal system" of an individual State, as the word "international" by definition meant pertaining to a number of States.

Mr. De BAGGIO (United States of America) believed that paragraph 2 had been so watered down that it had lost all value. Unlike the corresponding article in the third draft, it did not impose any obligations. If the Conference's intention was that offenders should be extradited, it should say so. His delegation therefore formally proposed that the words "it is desirable that" at the beginning of paragraph 2 (b) should be deleted.

Mr. CURRAN (Canada) assured the delegations which had not taken part in the work of the *ad hoc* committee that each clause of the text had been subjected to very careful scrutiny and that not a single word had been inserted lightly. So far as paragraph 2 was concerned he said many delegations had considered that it would be best not to impose on parties provisions having binding force, on the grounds that, if the provisions were at variance with the national constitution or legislation, or with treaties to which the States in question had

acceded, that State would be unable to ratify the Convention, or would do so with reservations. Others had thought that the Convention should impose obligations, and yet others that recommendations were sufficient. In any event, article 45 should not be drafted to satisfy only a small number of countries, but should be flexible enough to gain the support of all. What mattered was to point out the obligations that should be assumed, the legislation that should be adopted, the punishment that should be imposed, etc., in order to indicate generally the ideal line of conduct.

Mr. WIECZOREK (Poland) strongly supported those remarks. The text adopted had been carefully weighed. Paragraph 2 enabled States to act according to their national legal systems and their international commitments. To a certain extent, the Polish delegation agreed with the Swiss proposal that a party should inform the Secretariat if it wanted the offences mentioned in paragraph 1 and in paragraph 2 (a) (ii) to be considered automatically as extraditable offences, under the extradition treaties it had concluded. The Polish delegation would support any formal proposal to that end.

Mr. GREEN (United Kingdom) agreed with the Canadian representative's arguments. In view of the introductory clause of paragraph 2, he saw no need to amend paragraph 2 (b) to protect the interests of countries.

Mr. RABASA (Mexico) said he wished to comment on three important points. First, in answer to the Norwegian representative, he said that the United States and Mexican representatives had maintained in the *ad hoc* committee that paragraph 2 was explicit enough and would cause no constitutional problem for any country. A party which had signed an earlier treaty showed its intention of changing it by signing a new treaty amending the first. A country which had not signed an earlier treaty followed the same constitutional procedure. Since the parties could amend an earlier treaty, the words "It is desirable" in paragraph 2 (b) were unnecessary. The result of the *ad hoc* committee's vote on those words could not be regarded as reflecting the view of the majority; in any case, it was more a question of logic.

Secondly, the *ad hoc* committee had decided, by 9 votes to 8, with 3 abstentions, to use the word "adequate", instead of "severe" which was used in the third draft. The French representative had proposed that the word "severe" should be restored. It was, of course, for the judge to decide on the severity of the punishment. The Convention should prescribe the degree of punishment to be applied. If the Convention was to end the illicit traffic and the use of narcotic drugs, severe penalties should be provided for breaches of the narcotics laws.

Thirdly, the word "intentionally", which was not used in the third draft, was not very well chosen, for it was hard to make the distinction between intention and negligence. The word should stand only if penal responsibility were considered as a whole.

Mr. LEDESMA (Argentina), referring to paragraph 2

(a)(iv), said the representative of the Office of Legal Affairs had explained that, if a person committed an offence in one country but was tried in another, the laws in the country in which he was would be applied if his extradition was unacceptable. But for that purpose there had to be a law in the country where the criminal was, laying down a penalty for the offence, although he had not committed the offence there. If such a law did not exist, the principle *nulla poena sine lege* would be violated.

Mr. WATTLES (Office of Legal Affairs) said that one country's penal law was rarely applied in another. It would be for the courts to decide on the matter. In fact, so long as it applied its country's penal law, a court would not consider that the principle *nulla poena sine lege* was violated.

Mr. RABASA (Mexico), in answer to the remarks of the representatives of Argentina and the Office of Legal Affairs, said that, from the international point of view, the jurisdiction of States was either territorial or personal; the personal jurisdiction applied to nationals everywhere and to ships. European and Latin American countries applied both systems. The Anglo-Saxon system was more restricted in its treatment of offences committed abroad. It might be decided that nationals would not be prosecuted if the offence had not been committed in the territory of the country of nationality.

The origin of the personal jurisdiction was in Italian law, which contained the principle *nulla poena sine lege*, the principle that an offender must be within the jurisdiction of a court and the principle of non-concurrence of sentences. Those principles were guaranteed by the provision "Subject to the constitutional limitations of a party, its legal system and domestic law". A country which wished to apply the provisions to its nationals could do so, but it was free not to do so if those provisions were not in conformity with its legal system.

Dr. MABILEAU (France) said he appreciated the comments of the Canadian and Indian representatives on his request that the word "severe" should be restored, but he could not agree with their conclusions. He had spoken of severity in order to emphasize the difference between severity and lenience. But he agreed with the Canadian representative that one should assume that criminal law would develop. The Indian representative thought that the word "adequate" left the parties a greater choice of penalties, with allowance for customs and traditions. He asked for a vote, not on the text submitted by the *ad hoc* committee, but on the original unamended text of the third draft.

Mr. MONTERO-BUSTAMANTE (Uruguay), speaking in connexion with paragraph 1, mentioned a particular case in which he had intervened personally. In a San Juan café, two Uruguayan sailors, as a joke, had offered to supply marijuana to two men whom they had brought on their ship for the purpose. As soon as one of the sailors had given them a package, he had been arrested, because the two "buyers" had been

policemen. The package had contained only maté, a plant from which a harmless infusion was made. Yet the Uruguayan sailor had been accused of illicit traffic—although he (the speaker) himself had interceded for him with the Consul-General and the Ministry of Justice—and had been sentenced to a fine of \$200 and to six months' imprisonment, an excessively harsh, and even unjust, sentence.

The PRESIDENT asked whether the French representative wished to propose formally that the word "adequate" in paragraph 1 of the *ad hoc* committee's draft should be replaced by "severe".

Dr. MABILEAU (France) confirmed his proposal.

The PRESIDENT put the French representative's proposal to the vote.

The result of the vote was 22 in favour and 16 against, with 12 abstentions.

The proposal was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT recalled that the Swiss representative had proposed that the *ad hoc* committee's draft should be amended by inserting the words "the parties notify the Secretariat that they consider" after the words "It is desirable that" in the first line of paragraph 2 (b) and that the words "be included" in the second line should be replaced by the words "as included".

Mr. CURRAN (Canada) said that the difference between the two texts was so small that the proposal hardly introduced anything new.

Mr. WATTLES (Office of Legal Affairs) thought that a few drafting changes would suffice to bring out the Swiss representative's intention, which was to enable countries which so wished to have their extradition treaties amended.

The PRESIDENT put the Swiss proposal to the vote.

The result of the vote was 8 in favour and 8 against, with 33 abstentions.

The proposal was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT put to the vote the United States proposal that the words "It is desirable that" in paragraph 2 (b) should be deleted.

The proposal was rejected by 18 votes to 11, with 21 abstentions.

Mr. WIECZOREK (Poland), replying to a question by Mr. von SCHENCK (Switzerland), said that while he had made a suggestion concerning paragraph 2 (b), he had not followed it through, expecting that it would be taken up and submitted as a formal proposal by other representatives.

Mr. von SCHENCK (Switzerland) accordingly proposed that at the end of paragraph 2 the following passage should be added: "The parties may notify the secretariat that they consider the serious offences referred to in paragraph and in paragraph 12 (a) (ii) as included

as extradition crimes in any extradition treaty which has been or may be hereafter concluded by them."

The proposal was adopted by 10 votes to 5, with 25 abstentions.

Mr. CURTIS (Australia) said that under the rules of procedure an amendment to the Convention could be adopted although supported by only a few delegations since those who abstained were considered as not voting. It was important that the final text should reflect the majority view, and he had therefore voted against the Swiss proposal.

Mr. NIKOLIC (Yugoslavia) said that he had abstained for the same reason. Furthermore, if a party to an extradition treaty did not wish to include the cases in question in the treaty, the commitment undertaken by the other party towards the Secretary-General under the provision just adopted might be an obstacle to signature of the treaty. He could not accept that possibility.

The PRESIDENT considered that the inclusion of the sentence did not greatly alter the text of the Convention and did not commit the parties.

Mr. CURRAN (Canada) agreed with the Australian representative. He too had cast a negative vote, considering the principle underlying the proposal had been rejected by an earlier vote.

Mr. BITTENCOURT (Brazil) shared that view. Furthermore, the proposal reiterated what was at the beginning of sub-paragraph (b), and was not really necessary.

Mr. NIKOLIC (Yugoslavia) pointed out that the passage was similar in substance, if not in form, to that which the Conference had rejected earlier. He formally moved that the provision should be reconsidered and put to the vote again.

Mr. von SCHENCK (Switzerland) expressed regret that the representative of Yugoslavia had not voiced his objections before the vote; he hoped that the drafting committee would take note of the position. His proposal had the advantage of simplifying the task of the parties, which would not have to notify anyone but the Secretary-General of the inclusion in a treaty of the serious offences in question.

Mr. BOULONIS (Netherlands) explained that he had voted against the Swiss proposal because it exceeded the limits of the compromise which had been reached with great difficulty in the *ad hoc* committee. He pointed out that the word "Secretariat" in the sentence adopted should be replaced by "Secretary-General". Lastly, he observed that the report of the *ad hoc* committee did not mention the Netherlands proposal to delete the last words in article 45, paragraph 1, beginning with and including the word "particularly".

Mr. CURRAN (Canada) agreed with the Netherlands representative the use of the word "Secretariat" would set an unfortunate precedent, for such communications were usually sent to the Secretary-General.

The Conference decided by 27 votes to 8, with 14 abstentions, to reconsider the Swiss proposal which had been the subject of its preceding vote.

Mr. von SCHENCK (Switzerland) said that he would like to delete the words "or may hereafter be" in the proposed provision.

The PRESIDENT put to the vote the Swiss proposal, as amended.

The proposal was rejected by 22 votes to 8, with 18 abstentions.

Mr. NIKOLIC (Yugoslavia) said that he had voted in favour of the Swiss proposal because he thought that countries which wished to address such communications to the Secretary-General should not be prevented from doing so.

The PRESIDENT put to the vote article 45 as a whole, as drafted by the *ad hoc* committee.

Article 45 was adopted by 43 votes to none, with 2 abstentions.

Article 46 (Seizure and confiscation)

The PRESIDENT drew attention to the *ad hoc* committee's re-draft of article 46 (E/CONF.34/19).

Mr. RAJ (India) recalled that the *ad hoc* committee had deleted article 46, paragraph 2, of the third draft, relating to the disposal or destruction of drugs seized or confiscated, in the belief that it could be assumed that governments would take all necessary steps. However, there was no specific indication to that effect, which might be misleading to the layman; he therefore suggested that a paragraph should be added to article 46, reading: "Such drugs, after confiscation, may be disposed of in any lawful manner in accordance with the provisions of this Convention."

Mr. WATTLES (Office of Legal affairs) pointed out that article 32 as approved by the appropriate *ad hoc* committee (E/CONF.34/13/Add.1), included a special provision concerning the manner in which the parties could dispose of the opium seized. At the same time it should be noted that the Convention did not limit the uses to which governments could put the seized drugs; thus the parties were free to act as they saw fit in that respect. For that reason it was perhaps not necessary to include in the Single Convention the paragraph proposed by India.

Mr. RAJ (India) said that in the light of that explanation he would withdraw his amendment.

The re-draft of article 46 was adopted, subject to drafting changes.

The PRESIDENT drew attention to the report of the joint committee of the *ad hoc* committees which had dealt with articles 25 and 44 (E/CONF.34/20) and to the re-draft of the two articles in question.

Article 25 (Special administration)²

Mr. BANERJI (India) referred to the footnote interpreting the expression "special administration".

The re-draft of article 25 was adopted.

² Previously discussed at the eighth plenary meeting.

Article 44 (International co-operation)³

The re-draft of article 44 was adopted, with the interpretation given in footnote 7 to the report.

Mr. NEPOTE (International Criminal Police Organization), speaking at the invitation of the President, said that, as he was obliged to return to the headquarters of his organization, he wished to thank the Conference and the President for allowing him to state his views. Interpol thought that the 1936 Convention was excellent and that it should continue in force; article 44 of the draft Single Convention was a step forward and would serve as a guide to the police departments. Interpol would always be in the forefront of the campaign against the illicit traffic and was sure that it could count on the help of the parties to the Convention.

The PRESIDENT, on his own behalf and on behalf of the delegations, thanked the representative of Interpol for his assistance.

Dr. MABILEAU (France) said that the application of articles 25 and 44 and of the articles adopted during the meeting would strengthen the campaign against the illicit traffic. As a result of the 1936 Convention, which had been ratified by twenty-seven countries, much had been accomplished in that field; he had hoped that that convention would be reproduced in its entirety in the draft Single Convention, but, since it was very detailed, it was difficult to adapt. However, it would be regrettable if the countries which had ratified it should be unable to continue their useful co-operation; for that reason the French delegation reserved the right to propose formally that the 1936 Convention should continue in force.

Mr. von SCHENCK (Switzerland) endorsed those remarks.

Mr. MAURTUA (Peru) said that he had accepted articles 25 and 44, establishing the criterion of relative effectiveness in the campaign against the illicit drug traffic. Preferably, however, international collaboration in that field should have been understood in a wider sense; under article 44, paragraph 4, the government of the prosecuting State should be capable of being represented in the State where the penalty was applied.

Article 49 (Entry into force)

The PRESIDENT, inviting debate on article 49, drew attention to the amendment submitted by the USSR (E/CONF. 34/L. 20).

Mr. WATTLES (Office of Legal Affairs) hoped that the Conference would take clear and definite decisions on the final clauses. Those provisions were of considerable importance for the depositary.

The Secretary-General, who would be the depositary of the Single Convention, did not have to adopt a position regarding the substance of articles 49 to 57, but he would like the instructions given to him to be as clear as possible, so that they would not need any interpretation, as had sometimes been necessary in the past, and would not give rise to any protests.

Mr. BOULONNOIS (Netherlands) thought that chapter XI of the draft Convention was not very clear. The word "acceptance", which was used in article 49, should be avoided, as the Sixth Committee had suggested in 1949 (A/C.6/SR.200, A/C.6/SR.201). That word should also be deleted from the Chilean proposal for article 48, paragraph 2 (E/CONF.34/L.17).

Mr. WIECZOREK (Poland) said that under article 49 as given in the third draft the entry into force of the Single Convention would depend on the deposit of instruments of ratification by twenty-five States, including three from the list in paragraph 1 (a) and three from the list in paragraph 1 (b). It seemed illogical that certain countries which were concerned, if not with the production of drugs, at least with their consumption, for legitimate purposes, should not be mentioned in the lists. A number of Latin American countries were in that category. Article 49 should be revised according to more specific and technical criteria.

The USSR amendment (E/CONF.34/L.20) provided a reasonable solution to the problem; it fully covered the current drug situation in the principal opium producing countries, the principal countries producing coca leaf and the manufacturing countries. He proposed therefore that the principles of the USSR draft should be incorporated in article 49. If his proposal was rejected, there would be no reason why the lists of countries should not include Hungary, which manufactured alkaloids, and Poland, which was concerned with the production of opium alkaloids and with the consumption of drugs for legitimate purposes; many other countries, too, might with good reason want to be included in the lists.

Miss VELISKOVA (Czechoslovakia) supported the USSR amendment because it covered the position of producer and consumer countries and also because it tended to facilitate the ratification and entry into force of the Convention.

Mr. GREEN (United Kingdom) said he had no objection in principle to the USSR amendment. However, he pointed out two basic differences between that text and the provision in the third draft. First, the number of ratifications required for the Convention to come into force was increased. Secondly, the two lists of countries in article 49 of the third draft were replaced, in the USSR amendment, by three clauses stressing certain technical criteria; furthermore, the number given for opium producing countries appeared excessive in view of the fact that, according to the PCOB, only four countries answered the description in sub-paragraph (a) of the USSR amendment. Similarly, in the case of countries producing coca leaf, only four countries fulfilled the conditions specified in sub-paragraph (b). Lastly, with regard to the countries producing morphine or manufacturing other alkaloids from morphine, he said he had been unable to find fifteen countries fulfilling the conditions of sub-paragraph (c). The number of States in each of the sub-paragraphs would therefore have to be altered. In addition, it should be noted that list (b) in the third draft was very closely connected with the list of opium producers, given in article 32, on which the Conference had reached a deci-

³. Previously discussed at the 26th plenary meeting.

sion. In the circumstances, it was hardly necessary to make a distinction between different categories of producers. It might perhaps be sufficient to state that forty ratifications were required for the Convention's entry into force, without introducing qualitative criteria. However, he was not making a formal proposal.

Mr. CURRAN (Canada) shared those views. He added that the classification in the USSR amendment did not cover the manufacturers of synthetic drugs, which were becoming increasingly important. He too doubted whether there were fifteen countries fulfilling the criteria in sub-paragraph (c) of the USSR amendment. That being so, it would not be necessary to establish categories, since the Convention would have more chance of being ratified if its text was more generally acceptable. Moreover, the number of ratifications required for the Convention to come into force should not be too great; it would therefore be advisable to reduce the number proposed by the USSR. A long time would certainly elapse before fifty ratifications were received; the 1953 Protocol was a striking illustration of that fact.

Mr. BOULONIS (Netherlands) approved of paragraph 2 of the USSR amendment. So far as paragraph 1 was concerned, he agreed with the United Kingdom representative's comments; it would be sufficient to specify that forty ratifications were required for the Convention to come into force. The number of qualifying ratifications was too great; he therefore proposed, as a sub-amendment, that sub-paragraphs (a), (b) and (c) of the USSR amendment should be deleted.

The meeting rose at 6.50 p.m.

THIRTY-THIRD PLENARY MEETING

Monday, 20 March 1961, at 10.15 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

The PRESIDENT asked the Conference to consider the report of the *ad hoc* committee appointed to deal with the group of articles relating to the opium poppy, opium and poppy straw (articles 31-34) (E/CONF.34/13 and Add.1).

Article 31 (National opium agencies)

The ad hoc committee's first recommendation concerning article 31 was approved.

Mr. KRUYSSSE (Netherlands), referring to the *ad hoc* committee's proposed classification of poppy paste, said that the technical committee had dealt at considerable length with poppy paste, which it had decided to call "concentrate" and which, furthermore, it distinguished from crude morphine. As there had not apparently been

very close co-operation between the technical committee and the *ad hoc* committee, he wished to point out the distinction between poppy paste and crude morphine.

The ad hoc committee's proposal concerning poppy paste was approved.

The PRESIDENT invited the Conference to take a decision on the new paragraph which the *ad hoc* committee proposed should be added to article 31.

Mr. CURRAN (Canada) said that provisions had been proposed for the coca bush and cannabis recommending, like the additional paragraph under discussion, the prohibition of cultivation.

The new paragraph was adopted unanimously.

Article 32 (Restrictions on the international trade in opium and poppy straw)

The PRESIDENT drew attention to the *ad hoc* committee's re-draft of article 32 (E/CONF.34/13/Add.1).

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) said that the inclusion in the Convention of a clause limiting the number of opium-producing or exporting countries would not contribute anything to the fight against the illicit traffic in narcotic drugs; the opium for that traffic did not come from controlled international trade but from the cultivation, whether authorized or illicit, of the poppy. The illicit traffic could therefore be curbed only if control at the national level was made more effective.

Whereas, however, the object of the Convention should be to suppress the illicit traffic, it was certainly not intended to prevent States from obtaining the narcotics they needed through the normal channel. Under the conditions prevailing in international commerce, the State buying narcotic drugs abroad would probably do so by virtue of a trade agreement entered into with the selling country, which might provide either for the supply of goods in exchange for the drugs, or else for payment in foreign exchange acceptable to the vendor. What would happen in the case of a country which had no trade relations with India or Turkey, for example, or which lacked the foreign exchange which the two exporting countries wanted? All countries obliged to import opium to satisfy their requirements would have to deal with the countries referred to in article 32, paragraph 3, of the Committee's re-draft, but the Convention did not oblige the latter countries to supply the opium.

The provision limiting the international trade in opium actually served the interests of opium producers in the countries, for example, India and Turkey, referred to in that paragraph. It did not affect countries, such as the United States, the United Kingdom, the Federal Republic of Germany and France, which regularly purchased large quantities of opium from India and Turkey and could, moreover, pay in currencies which those countries were prepared to accept; nor did it concern countries, such as Poland, Romania and Hungary, which did not import opium and produced their narcotic drugs from poppy straw. It would affect only small importing countries which did not have the foreign exchange which the exporters wanted.

To make a list of a few countries regarded as opium producers would constitute discrimination against the countries not on the list and a violation of the principle of the equal rights of States. The countries referred to in paragraph 3 of the Committee's re-draft would in practice always have the right to produce or export opium even if the control measures which they adopted did not prevent illicit traffic in their territories. That was evident, moreover, from the new paragraph added to article 31, which recognized the sovereign right of each State to decide whether to prohibit the cultivation of the poppy. Nor did the Convention provide for any embargo on the products of the countries referred to in article 32, paragraph 3, in the event of their failure to curb the illicit traffic. If the paragraph was adopted, the right of the countries in question to produce opium without any restrictions would be reinforced, whereas other States which wanted to export small quantities of opium would have to conform to a very cumbersome procedure.

For these reasons, article 32 as re-drafted (E/CONF.34/13/Add.1) was unacceptable to the Ukrainian SSR, because it artificially restricted the number of opium producing countries authorized to export and deprived the States not covered by the provisions of paragraph 3 of the right to export the opium produced in their territories even if such exports amounted to not more than five tons a year.

Mr. ACBA (Turkey) said that the representative of the Ukrainian SSR had implied that India and Turkey had the monopoly of the production of opium. That was not the case, for other countries could also be classified as "producer countries" for the purposes of article 32, paragraph 3, as re-drafted by the *ad hoc* committee. Furthermore, paragraph 2 stated that additional countries could produce for export, subject to certain conditions, and in any case every country was free to produce whatever opium it needed domestically and to export seized opium (paragraph 5).

Nor could it be said, as the representative of the Ukrainian SSR had done, that adequate national control was sufficient to eliminate the illicit traffic. In reality, national control had to be backed by international control. All the international narcotics conventions concluded since 1909 contained provisions to that effect, and hence it was right that the Single Convention, which was to replace all its predecessors, should likewise provide for a system of international control.

Limitations on the production of opium for export were further justified by the need to strike a balance between production and world requirements.

Mr. KALINKIN (Union of Soviet Socialist Republics) considered that the Conference was paying too much attention to article 32. There were two opposing schools of thought on the subject. On the one hand, the Soviet delegation regarded the article as relatively unimportant in the battle against the illicit traffic in narcotic drugs and as going beyond the framework of the Convention, the essential purpose of which was, precisely, to eliminate the traffic. The United States delegation, on the other hand, argued that the smaller the number of

producers, the more effective would be the fight against the illicit traffic. That idea could be expressed in an article, on condition that the sovereignty of States was safeguarded. However, article 32, paragraph 3, did not lay down any qualitative criteria, but only automatic criteria. Yet surely, the position of countries capable of producing for export should be taken into consideration, as well as the demands of the campaign against the illicit traffic. Quantitative criteria could be included in paragraph 3, but it would still be for each State to decide whether or not to cease producing opium. Furthermore, all the States referred to in paragraph 3 would be entitled to produce large quantities of opium, whereas other States wishing to export would have to conform to a complicated procedure.

Another problem was that the of relationship between article 32 and the other provisions of the Convention. As the Convention did not lay down any limits on the level of the stocks that could be held by States capable of producing in their own territory, there was a risk of over-production. The *ad hoc* committee had decided not to include any article on that subject in the Convention. Every State should exercise control over the level of its own stocks, such level in any case having no effect on the illicit traffic, but if a country restricted its stocks to a given level, it was apt to lose sight of the world situation. Article 32 did not provide any satisfactory basis for a solution in that respect.

Another defect of the Convention was that it imposed no restrictions on the conversion of opium into morphine, and consequently any country could undertake such conversion and freely export morphine. Likewise, a government producing opium for its own needs would have to ask permission if it wanted to export small quantities of opium, whereas there would be no restriction on the export of any quantity of opium seized or confiscated.

All delegations would no doubt wish the Convention to be universal and to enter into effect as soon as possible. Article 32 had been the subject of informal discussions in which the representative of the USSR had taken part, and in the end five tons had been taken as the basic figure for small exports. Exports in amounts up to but not exceeding that tonnage should not require the Board's authorization. The USSR delegation was prepared to accept a compromise solution and would agree that the authorization of the Board and of the Council should be required for the big producers.

He accordingly proposed that in the *ad hoc* Committee's re-draft of article 32, the passage "and the Board may either..." in paragraph 2 (a) should be deleted and that in paragraph 4 (a) (ii), the words "has received the approval of" should be replaced by the words "has notified". If the second proposal was not adopted by a two-thirds majority, the USSR delegation would request that the passage in paragraph 2 (a) should be voted on separately.

Mr. CURRAN (Canada) said he was prepared to support the USSR proposal regarding paragraph 4 on the understanding that the rest of article 32 was accepted as it stood.

Mr. WIECZOREK (Poland) appealed for a spirit of compromise and said that from the point of view of procedure, the amendment to paragraph 4 proposed by the USSR representative should be voted on first.

Mr. BANERJI (India) said that article 32 was of considerable importance to some countries, including his own, not because they wanted to preserve a monopoly, but because they believed that the problems raised by the illicit traffic should be dealt with internationally. If opium consumption was to be reduced, some limitation of production was obviously necessary. However, though not in agreement with the Soviet delegation's view on that point, he was prepared to support its amendment to paragraph 4. He added that article 32 was in no way discriminatory, since the same procedure was applicable to all countries, large or small.

Mr. ANSLINGER (United States of America) said that article 32 was a critical provision. The 1953 Protocol, which contained severe restrictions, had not been ratified by many countries. It might perhaps be enough to impose the obligation laid down in article 32, paragraph 1 (a) namely, that if any party intended to initiate the production of opium or to increase existing production, it would take account of the prevailing world need for opium. After paying a tribute to the effectiveness with which the USSR controlled its own production of narcotic drugs, he said that he would support the USSR amendment to paragraph 4 (a) (ii), provided that article 32 was not further amended.

The PRESIDENT put to the vote the USSR proposal that in article 32, paragraph 4 (a) (ii), the words "received the approval of" should be replaced by the word "notified".

The proposal was adopted by 47 votes to none, with 2 abstentions.

The whole of article 32 as proposed by the ad hoc committee and as so amended was adopted by 39 votes to none, with 10 abstentions.

Article 33 (Limitation of stocks)

The PRESIDENT drew attention to the *ad hoc* committee's provisional decision to delete article 33 (E/CONF.34/13/Add.1) and to the Indian delegation's re-draft of the article (E/CONF.34/C.5/L.7/Rev.1).

Mr. ATZENWILER (Permanent Central Opium Board) said that he had not yet received any instructions from PCOB on the matter under discussion. He recalled the general attitude of PCOB as set forth in document E/CONF.34/1 in which it noted that the 1953 protocol had been included in the third draft of the Single Convention, and pointed out that the whole situation in regard to illicit production and trade in opium had materially changed during the last several years.

Mr. BANERJI (India) said that he was prepared to withdraw his delegation's amendment if he could be sure that the Convention, and in particular the system of estimates, guaranteed the limitation of opium stocks. The only purpose of the amendment had been to support one of the fundamental principles of the Convention, namely, the need for an international system of regula-

tion. Since under the provisions of article 32 the number of producing countries might increase, there was a danger that there would be an excess of opium in the world as a whole if the amount of stocks was not regulated.

Mr. VERTES (Hungary) thought that the Conference should approve the *ad hoc* committee's recommendation that article 33 should be deleted. The limitation of stocks could be ensured by other provisions of the Convention. If stocks were limited too rigorously, the manufacture of alkaloids from natural products like poppy straw might become too heavily dependent on climatic factors causing the crop to vary from one year to another.

Mr. ATZENWILER (Permanent Central Opium Board) thought that the misgivings expressed by the representative of India were justified, for while article 28, dealing with estimates, covered drugs in general, article 29, dealing with the limitation of manufacture and importation, seemed to apply to the production of manufactured drugs to which opium, according to the definitions given in article 1, did not belong.

Mr. KRUYSSSE (Netherlands) agreed with the principle of the Indian amendment but thought it might be difficult to apply. That was particularly true of paragraph 1, under which the parties were to regulate production in relation to the total requirements for two years. The two paragraphs of the amendment seemed contradictory, for if every party complied literally with paragraph 2, the amount of stocks held by the parties as a whole would automatically exceed the requirements for a period of three years. Furthermore, the Control Board could, under the provisions of article 22, exercise some influence on the level of stocks by publishing the information received by it if it considered that the control of drugs was seriously impeded. It had been agreed earlier that such action would ensure that the provisions of the Convention were carried out.

Mr. GREEN (United Kingdom) assured the representative of India that the Convention contained other provisions which would permit the limitation of opium production. Under the new paragraph added to article 31, for example, countries where large stocks were built up would be required to consider the imposition of restrictions. In addition, article 40, paragraph 3, and article 41, paragraph 2 (a), of the third draft were designed to prevent the accumulation of stocks of raw materials and drugs. Parties to the Convention were accordingly committed to certain obligations in that respect.

Article 33 in its original form was too complicated. In his view, the *ad hoc* committee had done well to recommend its deletion and that action would not involve any risk.

Mr. DANNER (Federal Republic of Germany) said that he shared the views of the United Kingdom representative, and for the same reasons.

Mr. BANERJI (India) said that in view of those assurances and of the difficulty of regulating stocks, he would accept the recommendation of the *ad hoc* committee and withdraw his delegation's amendment.

Mr. ANSLINGER (United States of America) said that during the debate on article 33, which had continued for two weeks, his delegation had been the only one to oppose the deletion of that article and that it had done so in the belief that a convention for setting up a system of regulations should include certain restrictions. He regretted that the Indian amendment, which might have been better if expressed in more general terms, had not received the support of the Conference, but he would bow to the wishes of the majority.

The Conference decided unanimously to delete article 33.

Article 34 (Disposal of confiscated opium and poppy straw)

The Conference decided unanimously to delete article 34, as recommended by the ad hoc committee.

Mr. GREGORIADES (Greece) regretted that he had been unable to participate in the votes on the texts submitted by the *ad hoc* committee (E/CONF.34/13/Add.1) and said that he would have voted in favour of their adoption.

New paragraph proposed by Canada and the United States of America (E/CONF.34/L.3)

Mr. CURRAN (Canada), introducing the draft new paragraph (E/CONF.34/L.3), said that the provision would authorize parties to adopt measures of control more strict or severe than those provided by the Convention. If the clause was adopted, the drafting committee could be asked to decide in which context to place it in the Convention.

The new paragraph (E/CONF.34/L.3) was adopted unanimously.

Article 36 (National coca leaf agencies)¹

Article 37 (Restrictions on the international trade in coca leaves and crude cocaine)¹

The PRESIDENT said that the *ad hoc* committee had reconsidered articles 36 and 37, as requested; its conclusions and the draft provision proposed were given in its report (E/CONF.34/10/Add.1).

Mr. BITTENCOURT (Brazil) said that in view of the adoption of a provision concerning the possible prohibition of the cultivation of the opium poppy earlier in the meeting, in connexion with article 31, it would be desirable to adopt an analogous provision concerning the cultivation of the coca bush.

The PRESIDENT suggested that, in the absence of objections, the Conference should decide that such a provision should be inserted in the clause which would replace articles 36 and 37.

It was so agreed.

Mr. MAURTUA (Peru) said that in view of the recommendation that articles 36 and 37 should be replaced by the single provision proposed in the report of the *ad hoc* committee (E/CONF.34/10/Add.1), his delegation would like to comment on the time-limit allowed to national

agencies for taking physical possession of the crop. In article 31, paragraph 2 (d), of the draft Convention, it was stated that the national agency should purchase and take physical possession of crops as soon as possible but not later than four months after the end of the harvest. In the report of the *ad hoc* committee, however, it was proposed that article 36 should include a proviso that in connexion with coca leaves the agency should take physical possession of the crop "as soon as possible". The latter version was acceptable to his delegation, which considered it advisable not to fix too rigid a time-limit. A rigorous control system for the production of and trade in the coca leaf existed in Peru, but the control agency would not be physically capable of taking physical possession of the crop in the space of four months. He would therefore be glad to receive some assurance that the time-limit of four months would not apply to coca leaf.

Mr. CURRAN (Canada) said that in accordance with the report of the Committee the term of four months prescribed by article 31 would not apply to coca leaf and that the agency should take physical possession of the crop "as soon as possible".

The PRESIDENT suggested that the drafting committee should be asked to re-draft the relevant provision in the light of the explanation just given.

It was so agreed.

Article 39 (Prohibition of cannabis)²

The PRESIDENT said that the *ad hoc* committee to which article 39 had been referred had proposed a text (E/CONF.34/12), which had since been re-drafted by the drafting committee (E/CONF.34/15/Add.1). The Iranian delegation had submitted an amendment (E/CONF.34/15/Add.3) to that re-draft.

Mr. AZARAKHSH (Iran) said that the re-draft of article 39 was out of harmony with the spirit of the Convention and contrary to article 30. The system of control applicable to opium should not be applied to cannabis or to cannabis resin except in one particular case. Opium was a medicament and in addition a raw material for the manufacture of other narcotic drugs in medical practice. Its production was therefore necessary but had to be accompanied by control measures. If cannabis and cannabis resin were common medicaments like opium, there would be no difficulty, for they would come under article 30 of the Convention. As a rule, however, those substances had no medical value and were only used by addicts.

The comparison often drawn between cannabis and cannabis resin, on the one hand, and heroin on the other hand, gave rise to a misunderstanding. Since the manufacture of heroin, a more dangerous substance, was not prohibited, it was thought unnecessary to prohibit cannabis and cannabis resin. That argument, however, was not convincing; the reason why heroin was not prohibited was that it also had therapeutic properties. Accordingly, the Conference had considered that the medical

¹. Previously discussed at the 22nd plenary meeting.

². Previously discussed at the 13th plenary meeting.

profession should not be fettered. As far as cannabis and cannabis resin were concerned, the position was different; but in some countries those substances were still used in indigenous medical practice, a situation for which allowance should be made.

The re-draft of article 39 did not indicate what cannabis and cannabis resin would be used for, and besides, they were not covered by article 30. Hence, there was a risk that the re-draft would in effect legalize drug addiction. That was why Iran had submitted its amendment (E/CONF.34/15/Add.3).

Mr. CHIKARAISHI (Japan) said he wished to comment on the subject of the cannabis plant. In its report (E/CONF.34/11), the technical committee had defined cannabis as the leaves or flowering or fruiting tops of the cannabis plant. That definition had been confirmed in the Australian delegation's paper (E/CONF.34/L.14), which stated that it would be difficult to imagine a definition of cannabis which did not mention the leaves of the plant. In the view of the Japanese delegation, the opinion of the Expert Committee should be taken into full account.

Yet, according to the *ad hoc* committee's recommendation and to the drafting committee's re-draft, cannabis leaves would be subject to less severe measures of control, since they were no longer mentioned in the definition of cannabis. The leaves which were in the upper part of the plant were so close to the flowering or fruiting tops that they were apt not to be recognized. The tops to which leaves remained attached might be used unlawfully. Moreover, while it was possible to separate the leaves from the tops in a laboratory, such a task was hardly within the scope of the control authorities. Control measures affecting the tops containing leaves would thus be impeded if the leaves were not also subject to effective control.

For those reasons, the Japanese delegation did not support the views expressed in footnote 2 to the *ad hoc* committee's report.

Mr. GREEN (United Kingdom) said that he could not support the amendment introduced by Iran, since it would more or less restore the original wording of article 39. The principle adopted for the narcotic drugs listed in schedule IV would thus be infringed. The fact that cannabis and cannabis resin were included in that schedule meant that they should be prohibited. Any introductory clause to article 39 should be based on the provision relating to opium, but nothing further than that should be attempted.

According to the Secretary-General's note relating to the medical use of cannabis drugs (E/CONF.34/5), the World Health Organization considered that "cannabis preparations are practically obsolete and there is no justification for their medical use". WHO added, however, that "this conclusion does not affect the opinion of the Expert Committee on Addiction-producing Drugs as expressed in its tenth report. The prohibition or restriction of the medical use of cannabis should continue to be recommended by the international organs concerned, but should not be mandatory."

Referring to the remarks of the representative of Japan, he said the United Kingdom delegation in no way disagreed with the technical committee or the Australian delegation, but it wished to point out that, in practice, cannabis leaves as used in some parts of the world involved very little danger. The *ad hoc* committee's text of article 39 (E/CONF.34/12) made no mention of cannabis leaves, and there was no reason why that question should raise difficulties in the future.

Mr. ANSLINGER (United States of America) said that the effect of the Iranian amendment would be to prohibit the production of cannabis and cannabis resin except for purposes of scientific research. No provision was made for the medical use of those substances. He wished to point out, however, that a product derived from the cannabis plant was thought to have possibilities for the treatment of certain mental diseases.

Mr. CURRAN (Canada) endorsed the remarks by the representatives of the United Kingdom and the United States. The purposes mentioned by the representative of Iran were fully met by the re-draft of article 39, which provided for the necessary means of control while taking into account the situation with regard to cannabis and cannabis resin.

Mr. DANNER (Federal Republic of Germany) said it had been pointed out that cannabis preparations such as tinctures or extracts were still used in certain countries. That was so in the Federal Republic of Germany. According, however, to article 39, paragraph 1, as re-drafted by the drafting committee, a party which permitted the cultivation of the cannabis plant would apply to it the system of controls provided for in article 31. That meant that it would have to set up, exclusively for cannabis, one or more of the national agencies responsible for carrying out the functions specified in article 31. He suggested that it would be preferable to oblige the governments concerned to issue licences to the growers of cannabis and to supply statistics of annual production to the Control Board.

Mr. BITTENCOURT (Brazil) said that the apprehensions of the representative of Iran were not justified, since under article 30 of the Convention, the parties had to limit the production, manufacture, export, import, distribution of, trade in, use and possession of drugs exclusively to medical and scientific purposes.

Mr. KALINKIN (Union of Soviet Socialist Republics) remarked that according to article 56, paragraph 4 (f), the use of cannabis for other than scientific purposes was to be discontinued within a number of years, as yet unspecified, from the entry into force of the Convention. The amendment of the Iranian delegation would conflict with that provision, since it would exclude the use of cannabis for therapeutic purposes.

Mr. KRUYSSSE (Netherlands) said that he shared the views expressed by the representatives of the United Kingdom and the United States on the Iranian amendment. He thought that the words "fibre and seed" appearing in brackets at the end of the *ad hoc* committee's version of article 39, paragraph 2, could be deleted.

The suggestion of the representative of the Federal Republic of Germany would probably mean that the cultivation of cannabis for medical and scientific purposes would be permissible in small quantities. In that regard, the Netherlands would perhaps find itself in the same position as the Federal Republic of Germany.

The meeting rose at 1.5 p.m.

THIRTY-FOURTH PLENARY MEETING

Monday, 20 March 1961, at 2.55 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Statement by The Representative of the International Labour Organisation

Mr. REYMOND (International Labour Organisation) said that he would reiterate, for the benefit of the Conference, some of the remarks he had made in the *ad hoc* committee which had dealt with articles 35 to 38 of the draft Single Convention.

In his organization's comment on paragraph reference 397 of the third draft (E/CONF.34/1), mention was made of the practice, in certain areas, of paying part of the wages of indigenous workers in the form of coca leaves. Another reference to that practice was to be found in issue No. 1 (January - March 1961) of the *Bulletin on Narcotics* published by the United Nations. ILO Convention No. 95 of 1949 concerning the protection of wages provided that the payment of wages in the form of liquor of high alcoholic content or of noxious drugs could not be permitted in any circumstances. Recommendation No. 104 concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, adopted by the International Labour Conference in 1957, likewise provided that the payment of wages, in full or in part, in the form of liquor or narcotic drugs, should be prohibited. It was significant that that recommendation had been adopted unanimously.

He was gratified that article 30 of the draft Convention authorized the distribution and use of drugs exclusively for medical and scientific purposes. On that point, therefore, the ILO was entitled to consider the Convention as confirming and strengthening the provisions of ILO Convention No. 95 and of recommendation No. 104. There seemed good reason to hope that the governments of countries where the practice of paying wages in the form of drugs still persisted would take the necessary steps to bring about its cessation within the period stipulated in article 56 of the draft Convention.

Article 39 (Prohibition of cannabis) (continued)

The PRESIDENT invited the Conference to continue its debate on the re-draft of article 39 and the Iranian delegation's amendment thereto (E/CONF.34/15/Add.1 and 3).

Mr. LEDESMA (Argentina) said that his delegation could not support the Iranian amendment, because in Argentina cannabis was cultivated only for its fibre. He understood that in other countries, too, it was produced only for the textile industry.

Dr. MABILEAU (France) said that while his delegation appreciated the motives of the Iranian delegation, it was unable to support its amendment. It would, however, support the idea that a draft resolution should be submitted to the Economic and Social Council under which the use of cannabis as a raw material for the extraction of therapeutic substances would be permitted. It would be difficult to impose limitations on scientific research, and the various legitimate uses of the substance should not, therefore, be prohibited. He considered the re-draft of article 39 satisfactory. It might be left to the drafting committee to decide whether to include a provision on control in the separate articles dealing with the three narcotic substances, or whether to include in article 39 a general reference to the provisions of article 31.

Mr. Alexander JOHNSON (Australia) said that, in the drafting of legislation on the national and international control of cannabis and cannabis resin, it was necessary to bear in mind the scientific uses, the homeopathic medical uses, the veterinary uses and the uses current in Eastern systems of medicine. It should also be noted that cannabis leaves were often the initiating substance in drug addiction and that the wild growth of the cannabis plant might render the administration of stringent legislation very difficult, if not impossible, in some countries. Accordingly, he thought that the Iranian amendment would be impossible to implement, however desirable it might be as an ideal. That view was based largely on the fact that thinking in the Conference and in the technical committee had been oriented towards a recommendatory rather than a mandatory prohibition.

In the Australian delegation's document on the cannabis plant (E/CONF.34/L.14), emphasis was laid on the importance of cannabis leaves in any definition of cannabis. However, as a compromise, Australia would support the Canadian proposal, as embodied in footnote 5 of document E/CONF.34/15/Add.1, so long as adequate control was provided.

Referring to inquiries made by various representatives regarding the possibility of the Australian delegation providing a bibliography for the statement it had submitted on the cannabis plant and its products, he said that unfortunately the original reference documents had been sent to Geneva before he had had an opportunity to compile a bibliography. He could assure the members of the Conference, however, that the references had been taken from authorities of international repute. He hoped, later in the year, to expand the statement and submit it, together with a bibliography, to the editor of the *Bulletin on Narcotics* for consideration with a view to future publication.

Mr. AZARAKHSH (Iran) thought that there might have been some misunderstanding concerning his delegation's amendment. The amendment referred to the prohibition of the production of cannabis and cannabis

resin and not to the production of hemp. To draw an analogy, the production of wine was prohibited in Moslem countries, but that did not mean that grapes could not be grown for the production of vinegar. From the views expressed during the discussion, however, there seemed to be general agreement on the basic idea underlying the Iranian amendment, since the Conference took the view that the provisions of article 30 should apply also to the production of cannabis and cannabis resin, in other words, that their use should be limited exclusively to medical and scientific purposes. In those circumstances, he would not press his delegation's amendment.

Mr. CHIKARAISHI (Japan) said that he wished to clarify his delegation's position in order to preclude any misunderstanding. Japan had not made any proposal or submitted any amendment concerning article 39 and fully agreed with the recommendation of the *ad hoc* committee. However, that view should not be construed as an acceptance of the content of footnote 2 to the *ad hoc* committee's report (E/CONF.34/12), regarding cannabis leaves.

Mr. KRUYSSSE (Netherlands) said his delegation would not press its proposal that the words "or horticultural" should be inserted before the word "purposes" and the words "fibre and seed" deleted in paragraph 2 of the proposed re-draft of article 39 (E/CONF.34/15/Add.1). Nevertheless, he considered that some provision should be made for the horticultural uses of the plant.

Mr. GREEN (United Kingdom) suggested that the paragraph might read: "This convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or for horticultural purposes."

Mr. KRUYSSSE (Netherlands) agreed to that suggestion.

The PRESIDENT put the United Kingdom amendment to the vote.

The result of the vote was 27 in favour and 2 against, with 9 abstentions.

The proposal was adopted, having obtained the required two-thirds majority.

The PRESIDENT put to the vote the re-draft of article 39 (E/CONF.34/15/Add.1) as a whole, as amended.

The result of the vote was 43 in favour and none against, with 2 abstentions.

The re-draft of article 39 was adopted, having the required two-thirds majority.

The PRESIDENT asked whether the Conference considered that a paragraph on control similar to that inserted in the articles on the opium poppy and coca leaves should be inserted in the article on cannabis.

Mr. CURRAN (Canada) suggested that it should be left to the drafting committee to decide whether there should be a single article on the subject, covering all three substances, or whether the provision should be inserted in the three separate parts of the Convention.

It was so agreed.

Article 48 (Languages of the Convention and procedure for acceptance)

The PRESIDENT invited debate on article 48 and on the amendments submitted by Chile (E/CONF.34/L.17) and Mexico (E/CONF.34/L.35).

Mr. BANERJI (India) said that paragraph 1 of article 48 sought to limit participation in the Convention to States which were Members of the United Nations, had been invited to participate in the Conference, or might be invited by the Council to become a party in the future. In India's view, any attempt to limit participation, albeit indirectly, in a convention on a technical subject, the effective implementation of which required accession by the largest possible number of States, would conflict with the spirit of the Convention as a whole and its great humanitarian objectives. Moreover, the Convention had a long history, its origins dating back to 1909, even before the League of Nations had been founded. Therefore, on historical grounds too, there should be no objection to allowing any State that wished to do so to become a party to the Convention, the sole object of which was to rid the world of addiction and ensure that narcotics were used exclusively for beneficial purposes. Accordingly, the Indian delegation suggested the deletion of the concluding phrase of paragraph 1 "which the Council may invite to become a party".

Mr. RODIONOV (Union of Soviet Socialist Republics) said that article 48 deserved very careful consideration, for it was no exaggeration to say that the final decision concerning it would, to a large extent, determine the future success of the Convention.

The wording of paragraph 1 was certainly not accidental, for invitations to become a party to the Convention would be issued as a result of a majority decision of the Council and such a decision would reflect the views of the dominant group in that body. The paragraph represented an attempt by a group of countries to further certain political aims, to the detriment of the humanitarian purposes of the Convention. He drew attention to a publication by Professor Goodrich entitled *New Trends in Narcotics Control*, in which it was pointed out that the effect of article 48 would be the exclusion, except by special invitation of the Economic and Social Council, of certain States, such as the Mongolian People's Republic, the Democratic Republic of Viet-Nam, the Democratic People's Republic of Korea and the German Democratic Republic. Yet, all those countries applied strict control to narcotics at the national level and would have a useful contribution to make as parties to the Convention. Refusal to allow a country to participate in a treaty of such humanitarian significance was unquestionably a flagrant violation of the fundamental principle laid down in the United Nations Charter concerning the respect for the equal rights of all States. Moreover, the establishment of strict international control of narcotic drugs was the primary purpose of the Conference, and to restrict participation in the Convention, far from facilitating control, would go far to prevent the establishment of a satisfactory control system. Since international control could be effective only if applicable through-

out the world, it was essential that the Convention should be open to all countries wishing to accede.

In support of their views, those who favoured the existing text of article 48 argued that in a number of international conventions the right to participate had been restricted to certain States. But such discrimination could not be justified in any circumstances, and although the mistake might have been committed in the past, there was no reason why it should be repeated. Moreover, the Convention under consideration was different from others in that its purposes could be achieved only if it was truly universal.

Not only was participation in the Convention restricted by article 48, but in other articles, for example, articles 20, 22 and 32, obligations were placed on all States, whether or not they were permitted to accede to the Convention. It was, however, a fundamental rule of international law that a treaty could not affect countries which were not parties to it, especially if its provisions could harm their interests. Therefore, it was first necessary to give all countries an opportunity to become parties to the Convention. Since the purposes of the Convention could be achieved only through universal co-operation, he feared that the hopes which society at large had placed in the Conference would be gravely disappointed unless article 48 were drafted in a more acceptable form. He supported the Indian delegation's suggested amendment to paragraph 1.

Mr. RIOSECO (Chile) explained that his delegation had submitted its amendment to article 48 because, though some delegations might consider the terms "acceptance" and "ratification" synonymous, others did not. Accordingly, for the benefit of the latter delegations, Chile had submitted an amendment which would make the text more explicit and remove any possible doubts on the subject. The Chilean amendment followed the wording used in the UNESCO Convention against Discrimination in Education, signed in Paris on 15 December 1960.

Mr. VERTES (Hungary) said that, since the object of the Convention was the control of the manufacture and distribution of addiction-producing drugs, it should be a universal instrument serving the interests of the whole of mankind. However, it could become universal only if its provisions were acceptable to the largest possible number of countries and signed by them. Unfortunately, the principle of universality was not reflected in the provision under discussion. In order to give States wishing to become parties an opportunity to do so, his delegation supported the Indian delegation's suggested amendment.

Mr. BRUNNER (Federal Republic of Germany) said that, while the technical aspects of the problem raised by article 48 were interesting, the Conference was concerned with reality and not with an abstract or academic situation. The statement just made by the USSR representative demonstrated clearly the divergence of views which had existed from the beginning of the Conference with respect to the States entitled to participate in the Conference and to accede to the Convention. The

USSR representative, pleading the principle of universality, had applied it to entities which clearly lacked the characteristics of States under international law. If such entities had participated in the Conference, the entire basis of the Conference would have been changed. To avoid lengthy political discussions, the Conference should approve article 48, paragraph 1, as it stood. It should not, on the pretext of a humanitarian principle, create a situation in which the Convention might fail to become effective because States which had participated in the Conference could not accede to it. That would, indeed, constitute a violation of the principle of universality. Accordingly, he urged the Indian delegation not to submit its suggestion as a formal amendment.

Mr. ADJEPONG (Ghana) said that articles 32 and 48 were the most difficult in the Convention. The problems raised by article 32 had been overcome through understanding and compromise, however, and he hoped that the same spirit would prevail with respect to article 48, so that the Conference might successfully complete its work. He supported the Indian representative's suggestion, in the hope that the Conference would take a logical and realistic attitude towards the problem raised by article 48.

Mr. CERNIK (Czechoslovakia) said that the procedure for acceptance outlined in article 48 would deprive certain States of the right to become parties to the Convention, in contravention of the principles of state sovereignty and of the equality of States laid down in the United Nations Charter. A convention serving a humanitarian purpose should be open for accession by all States. According to article 1 of the Charter, one of the purposes of the United Nations was to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character. Article 48 of the third draft of the Single Convention violated that provision of the Charter, for, in not granting equal rights to all States, it prevented the solution of an international humanitarian problem by the co-operation of all States. In the discussion of articles 20 and 22, the majority of delegations had favoured including a reference to third States in the Convention, on the ground that without such a reference a serious problem would arise in the control of narcotic drugs. If universality of application was so important to narcotics control, it followed that accession to the Convention should be open to all States.

Turning to paragraph 2 of article 48, he supported the Chilean amendment (E/CONF.34/L.17), which would couple the word "ratification" with the word "acceptance". In recent years, the word "ratification" had been used in treaties concluded under the auspices of the United Nations, in preference to the word "acceptance" which was not sufficiently clear. The convention concluded by the United Nations Conference on the Law of the Sea, 1958, provided an example of the preferred terminology.

Mr. TABIBI (Afghanistan) said his delegation had taken a non-political, technical and humanitarian approach to the Convention. It believed that, in the

interest of international narcotics control, the principle of universality, which the Afghan Government had supported in all organs of the United Nations, should be embodied in article 48. Because of its content and scope, the Single Convention should be open to accession by all States. His delegation therefore supported the Indian suggestion that the final words of article 48, paragraph 1, should be deleted.

Mr. FINGER (United States of America) said that arguments against article 48 as it stood had been based, first, on the principle of universality, and secondly, on the concept of equity. It had been argued that, on logical, realistic and humanitarian grounds, article 48 should be modified in conformity with the principle of universality. But to modify article 48 in the manner suggested by the Indian representative would be neither logical nor realistic, and would not advance the humanitarian purposes of the Convention. If the final words of paragraph 1 were deleted, any entity which declared itself to be a State would presumably be able to accede to the Convention. For instance, the Government of Katanga in the Republic of the Congo (Leopoldville), which was in physical control of the territory of the province of Katanga, might seek to accede to the Convention. The Indian suggestion would thus create a nonsensical situation. Moreover, the Conference had already taken a political decision in recognizing the Governments of Viet-Nam, the Republic of Korea and the Federal Republic of Germany. And, as the representative of the Federal Republic of Germany had indicated, the inclusion of the Democratic Republic of Viet-Nam, the Democratic People's Republic of Korea and the German Democratic Republic as parties to the Convention would lead to a far less universal participation than would be provided under article 48. The Mongolian People's Republic was not represented in the United Nations because, in the judgement of political bodies qualified to deal with such questions, it lacked the attributes of sovereignty. In his delegation's view, such questions should be left to the political organs.

It had also been argued, on grounds of equity, that certain areas would be affected by the Convention and yet denied the right to become parties to it. However, article 32 was binding only on parties to the Convention, and paragraph 4 (b) of that article protected the right of third parties to export opium to countries which were parties to the Convention. Article 48, paragraph 1, was designed to make it possible for all legitimate governments to accede to the Convention, by permitting the Economic and Social Council to decide which those governments were. The article was a compromise which had been carefully worked out.

If the final words of article 48, paragraph 1, were deleted as the Indian representative had suggested and if any State might accede to the Convention, the preceding references to "any Member of the United Nations" and to "any State invited to participate in the Conference" would become pointless. Hence, if the Indian representative proposed the deletion of the last words in the paragraph, which, under the procedure followed by the Conference, was equivalent to a request for a divi-

sion of the proposal, the United States delegation would formally oppose the request, under rule 42 of the rules of procedure.

Mr. BARONA (Mexico) said that his delegation's proposed re-draft of article 48 (E/CONF.34/L.35) introduced two substantive changes in article 48. First, a distinction was drawn between the States which signed the Convention by 1 August 1961 and subsequently ratified it, and those which acceded to the Convention after that date. In making that distinction, his delegation had followed the wording of the Convention on the Territorial Sea and the Contiguous Zone (A/CONF.13/L.52). Secondly, "ratification" and "accession", the terms traditionally used in international law, were substituted for the ambiguous word "acceptance". The Mexican re-draft had not been prompted in any way by political considerations.

Mr. PRAWIROSOEJANTO (Indonesia) said that, as his delegation had stressed in its opening statement, Indonesia believed that the principle of universality should be incorporated in the Convention. His delegation shared the view of many other delegations that the Single Convention should be open for accession by any State that wished to become a party. He suggested that the final words beginning with "and also" should be deleted from article 48, paragraph 1, and the following phrase substituted: "and of any other State that wishes to become a party".

U BA SEIN (Burma) said that at the beginning of the Conference many delegations had stressed the necessity for drafting a convention which would be universally acceptable. It was to be hoped that the final chapters of the third draft would be considered carefully and dispassionately, so that universal acceptance might be achieved, since universality had always been the goal of narcotics control. The value of any narcotics convention was determined not only by the content of its provisions but also by the spirit of co-operation displayed by the States parties. The discussions concerning measures against illicit traffickers, penal provisions, seizure and confiscation and drug addiction had demonstrated clearly that such problems were international as well as national, and that unless all countries were bound by the Convention and implemented it, illicit traffickers would operate from the territory of non-co-operating States and frustrate the controls of the parties. His delegation believed that many States not invited to the Conference wished to contribute to the effectiveness of international narcotics control no less than did the participants in the Conference, and therefore would desire to accede to the Convention. Under article 48, paragraph 1, some States might be deprived of the right to become parties. The text was restrictive, discriminatory and incompatible with the principle of universality. His delegation would support any amendment which would provide that all States that so wished might become parties to the Convention.

Mr. LEE (Republic of Korea) associated his delegation with the views expressed by the representatives of the Federal Republic of Germany and of the United

States of America. The principles on which article 48 was based were in conformity with the resolutions of the Economic and Social Council, and the Single Convention would be executed in close co-operation with the United Nations and the Council. Therefore, his delegation felt that the Council should be recognized as the body most competent to decide which States might accede to the Convention.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his country had no narcotics problem and that its participation in the Conference was motivated solely by its desire to promote international co-operation in narcotics control. He failed to see why the Single Convention should include a division of States into "good" and "bad" States. Under the WHO Constitution, membership of WHO was "open to all States", and article 2 of the International Agreement on Olive Oil of 1956 provided that participation in the agreement was open to the governments of all countries which considered themselves interested in the production or consumption of olive oil. The United States representative had argued that the Convention did not impose obligations on States which were not parties, but article 20 required the Board to take action affecting non-party States. As for the Mongolian People's Republic, his delegation thought that it would be an advantage, and not a danger, for that country to be party to the Convention. The Mongolian People's Republic was no doubt being treated in such cavalier fashion simply because it was a small country. Moreover, recognition by particular States could not be considered the test of whether an entity was, or was not, a State. The Government of the United States of America had not recognized the Government of the USSR until sixteen years after its establishment; and Adolf Hitler had said that the USSR was not a State, but a geographical concept!

If the Indian representative did not make a formal proposal to the same effect, the USSR delegation would formally propose the deletion of the last nine words of article 48, paragraph 1.

The United States representative had no justification for objecting to a vote being taken on the deletion of those words, for earlier in the Conference the President had ruled, and the Conference had agreed, that when a request for the deletion of words from a basic text was made, the members would be asked to vote on the retention of the words in the basic text. He hoped that practice would be respected.

Mr. WIECZOREK (Poland) said that the decision on article 48 would determine the success of the Conference. Its basic purpose was to rid mankind of the narcotics evil; that object should not be defeated by racial, religious or political considerations. The German Democratic Republic, the Democratic Republic of Viet-Nam, the Democratic People's Republic of Korea and the Mongolian People's Republic had not been permitted to participate in the drafting of the Convention, and under article 48 they would be prevented from becoming parties to the Convention, for political reasons alone. In adopting article 48 as it stood, the Conference would be adopt-

ing the national policy of one particular State, the United States of America.

There were two kinds of international agreement, those open only to a small number of parties and those intended to be universal. Examples of the latter were the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Convention relative to the Treatment of Prisoners of War. Such treaties would be meaningless if the parties to them attempted to make them less than universal. The same was true of the Single Convention on Narcotic Drugs; if participation in it was restricted, it would defeat its own ends. Earlier in the Conference, a representative of the Secretariat had said that the traditional treaty system aimed at nearly universal participation and that the international narcotics treaties had a very encouraging history in that respect. In an article in the *Bulletin on Narcotics* of January-April 1955, Mr. Herbert May had said that a vital factor was the number of parties which would adhere to the new Convention. A vital condition for its success was therefore that the greatest possible number of States should become parties to it.

There were even contradictions within the draft Convention itself. For instance, articles 20 and 22, as adopted, laid obligations on States which were not parties to the Convention; but article 48, paragraph 1, restricted the number of States that would be allowed to accede to the Convention. Therefore, if article 48 was adopted as it stood, States would be asked to conform to the Convention while at the same time being debarred from becoming parties, a fact which would considerably reduce the value of the Convention.

The United States had endeavoured to prove that the deletion of the last phrase of paragraph 1, as suggested by India, would make the paragraph pointless, but that was not so. If the phrase was deleted, emphasis would be placed not only on the part to be played by the Member States of the United Nations and the States invited to the Conference, but also on the contribution that could be made by other States that wished to accede to the Convention, a contribution that was vital to its success and effectiveness. If the Indian representative did not wish to convert his suggestion into a formal proposal, the Polish delegation would be happy to submit it as a Polish proposal.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) said that as the noble aims of the Single Convention could not be achieved without goodwill, article 48 should not be framed in such a way as to prevent the universal acceptance of the Convention. It was absurd to make a distinction in such a Convention between States invited to become parties and States not invited. Not only delegations but the public should be asked whether the Convention should be open to all States or not; the answer was, of course, that it should be. Unfortunately, some delegations thought otherwise. The United States representative had asked the Conference to avoid political issues, but article 48 was political in intent in any case, for it attempted to place political barriers between States which could and States which could not become parties to the Convention.

As the United States representative had said, the Mongolian People's Republic was not a Member of the United Nations, but the fault was that of the United States. Article 48 was a bare-faced attempt to prevent States such as Mongolia which had not been invited to the Conference from acceding to the Convention. Nevertheless, obligations were placed upon them without their consent.

The Economic and Social Council had convened the Conference under article 62 of the Charter, specifying in its resolution 688 J (XXVI) that only certain States and organizations should be invited to it. The result was that the Democratic Republic of Viet-Nam, the German Democratic Republic and others were not represented, whereas the Catholic Church was. There was no reason why only one religious faith should be represented while Islam, Buddhism and the Orthodox Church were not.

If article 48 was retained as drafted, the Convention would not be a genuinely international instrument. It should be open to all States, regardless of their social system. He therefore strongly supported the Indian suggestion.

Mr. BANERJI (India) said that most speakers had supported his suggestion that the last phrase of paragraph 1 should be deleted. He agreed with the United States representative that political issues should be avoided. It was precisely for that reason that he had made his suggestion. Politics were a harsh reality, but where co-operation and humanitarian aims were primary considerations, political considerations should be forgotten. The Convention should express the basic principle that narcotic drugs were an unmitigated evil unless strictly controlled, and strict control was not possible unless all States co-operated.

The United States representative had expressed apprehension that any entity describing itself as a State might claim the right to become a party to the Convention if paragraph 1 ended with the words "any other State". There was no danger of such a result. That expression obviously referred to the States coming under paragraph 2 (c), namely, States which would accept the Convention, but were not represented at the Conference and therefore unable to sign it there. Furthermore, the last sentence of paragraph 2, which read: "acceptance shall be effected by the deposit of a formal instrument with the Secretary-General", precluded the possibility of the Secretary-General's accepting a formal instrument from any entity that was not a State. He would act with discretion and good judgement.

He could not accept the United States representative's view that the Convention need not be open to all the States that wished to adhere to it. It was difficult to envisage a convention which excluded nearly one-fifth of the population of the world, including a country in which the narcotics problem had assumed its acutest form. Accession to the Convention should be considered from a technical point of view; it did not involve the political recognition of the acceding State. The Conference should adopt a position of neutrality and leave political questions

to the political organs of the United Nations that were qualified to deal with them.

Another point on which he could not agree with the United States representatives was that the deletion suggested by the Indian delegation made the preceding part of paragraph 1 pointless. That paragraph should be read in conjunction with paragraph 2. It was obvious that the first two groups of States mentioned in paragraph 1—namely, Members of the United Nations and States invited to participate in the Conference—were those covered by paragraph 2 (a) and (b). The words "any other State" referred to States that would accept the Convention later, which were covered by paragraph 2 (c). His suggestion would, of course, be subject to revision by the drafting committee.

In view of the importance of the principle involved and the support expressed for his suggestion, he wished to submit it as a formal proposal.

Mr. WEI (China) said that, as there were several versions of article 48 before the Conference, he would limit his remarks to the substance of the article. It was a very important article, for on it depended the smooth and satisfactory implementation of the Convention. Its provisions were based on the practical experience of many years; similar provisions had been inserted in other international conventions adopted under United Nations auspices. Such provisions were politically sound because, once the Convention was adopted, it would be open for signature by all Member States and by all the States that had been invited to the Conference. Furthermore, a procedure for inviting any other State to become a party to it had been provided for.

As for the regimes which the USSR wished to see included, their political status was well known. Laudable though the principle of universality was, even the Charter of the United Nations did not provide for automatic membership. It was the veto of the USSR that had prevented a number of States from becoming Members of the United Nations. In other words, the USSR did not practice the principle of universality which it preached.

In the view of the Chinese delegation, the provisions of article 48, as it stood, were necessary to the effective implementation of the Convention. His delegation would vote against any amendment that changed the basic principle of the article.

Mr. GREEN (United Kingdom) said that, whereas many delegations had supported the Indian proposal, many of those that had not spoken, including his own, were opposed to it.

He agreed that the Conference should avoid political issues, which should be left to other organs better equipped to deal with them. The Indian representative had asked the Conference to adopt a position of neutrality, but his own solution was not neutral. The fact that the deletion he proposed was acceptable to some delegations but raised difficulties for others showed that it was not a neutral solution. In view of the United Kingdom delegation, the Conference, having been convened by the United Nations, should conform to the usual United Nations procedure. The wording of article 48 was common.

to many treaties drawn up under United Nations auspices and it would be illogical to abandon it in the present instance.

If the Indian proposal was adopted, it would remain an open question what States might accede to the Convention and the authority responsible for accepting accessions would be left without guidance, with unforeseeable consequences.

It had been said that article 48 conflicted with other articles, but the United Kingdom delegation had borne it in mind throughout the discussion and was certain that no provision was unjust to any party. He therefore supported the text as it stood.

Mr. MAURTUA (Peru) said that it was difficult to understand how any delegation could support the deletion proposed by India. The form of words used in paragraph 1 was usual in collective treaties. Universality was certainly a desirable objective, but it should not be achieved at the sacrifice of principles laid down in the Charter. As the United Kingdom representative had said, the Conference should conform to normal United Nations procedure. The draft Convention had been drawn up under United Nations auspices on the basis of the Organization's experience of other international agreements in the field of narcotic drugs. Political problems arose in connexion with any international treaty, but the wording of paragraph 1 had proved generally acceptable in other instruments. It had been used, for instance, in the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the Convention on the Payment Abroad of Maintenance Obligations. The United Nations Secretariat had even made a study of the wording used in final clauses, of which article 48 was one.

He proposed that, to bring article 48 even more closely into line with United Nations practice, the words "of any non-member State which is a party to the Statute of the International Court of Justice, or a member of a specialized agency" should be inserted immediately after the words "United Nations" in paragraph 1.

Mr. LEE (Republic of Korea) supported the Peruvian proposal. The Republic of Korea was unfortunately not yet a Member of the United Nations, although its government was the only legal government of Korea, but it had been admitted to membership of the specialized agencies. It would therefore be covered by the amendment proposed by Peru, which would bring the Convention more into line with the criteria laid down by the Economic and Social Council.

Mr. FINGER (United States of America) said that his government was deeply interested in the Convention because, unlike the USSR, it had a serious narcotics problem. It was therefore directly interested in combating illicit traffic.

He had not said that certain areas did not qualify for accession to the Convention because his country did not recognize them. The decisive factor was not recognition by the Government of the United States, but recognition by the United Nations, the specialized agencies or the Economic and Social Council. If recog-

nition by individual countries were alone decisive, there would be complete confusion.

The United States had not drafted the Single Convention, which was the work of the Commission on Narcotic Drugs. The United States could not accept the Indian proposal, for that proposal would mean that the Secretary-General would have to decide which States should be allowed to deposit a formal instrument of acceptance. He differed from the Indian representative in believing that it was not right to place such a burden of responsibility on the Secretary-General. A properly constituted international body should give the necessary directives.

He had not been convinced by the Indian representative's objection to his (Mr. Finger's) statement that the deletion of the last phrase would make the remainder of paragraph 1 pointless. However, he did not wish to press his argument that a vote by division could not be accepted. If those words were put to the vote separately, he would vote for their retention.

Referring to the amendments submitted by Chile and Mexico, he said that both were appropriately worded and the United States delegation would not object to the adoption of either. However, it thought that there was the greatest measure of agreement on the original text and it would therefore vote for the retention of article 48 in its original form.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said there could be no disagreement about the principle of universality as applied to the Convention. An injustice had been done in convening the Conference, to which the Economic and Social Council had decided not to invite certain States. Such a situation could not be allowed to continue under the Convention itself. Article 48, which restricted the number of States entitled to become parties, was therefore unacceptable as it stood. No country which exercised effective control over narcotic drugs should be denied the rights exercised by the parties.

If, as the United States representative had asserted, his country had a serious narcotics problem, it was surprising that his government did not wish all countries to be parties to the Convention. For his part, he could not see why the United States representative should object to the Indian proposal. The fact that the United States objected to the social system of certain countries, an objection which it had clearly manifested within the United Nations in opposing the admission of the Mongolian People's Republic, was not a valid argument. The USSR, which had the same social system, was a Member of the United Nations.

Mr. FINGER (United States of America), speaking on a point of order, remarked that the admission of the Mongolian People's Republic to the United Nations was not on the agenda of the Conference.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) expressed the view that some delegations supported article 48 as drafted because they did not recognize certain States which would become parties if the principle of universality was approved. That argument was quite untenable, for they did not recognize

some of the delegations present at the Conference, but that did not prevent them from participating in the work of the Conference with those States. Article 48 was discriminatory not only against the socialist countries but against the African and Asian countries which would shortly become independent. It provided that States Members of the United Nations and the States invited to the Conference were entitled to become parties, whereas others were obliged to request the Economic and Social Council to grant them that privilege. That meant that the newly independent States would have no right to become parties to the Convention until admitted to the United Nations. A period of nearly a year might elapse before their admission, which was obviously unfair. It was true that the General Assembly and the Council met frequently, but there was inevitably some delay and there was no reason for discriminating against such States by imposing such a delay on them. That would be tantamount to informing new States that they could not enjoy the same rights as older States. Article 48 as it stood smacked of colonial privilege and was obviously an undesirable provision. In order to improve it, he would vote for the Indian proposal.

Mr. KOCH (Denmark) said that, while it was obviously desirable that the Convention should apply to all countries, the Indian proposal would not guarantee that result. Even if the Convention was open to all States, some States might not wish to accede to it. On the other hand, there was no provision which would prevent a State from indicating its willingness to accede to the Convention. It had been implied by some delegations that a government might not be willing to indicate its willingness to accept the obligations of the Convention without becoming a party to it because it would not acquire a party's rights. But the parties had no rights that were comparable to those of members of an international control body such as the International Narcotic Commission, which was appointed by the Economic and Social Council and composed of Members of the United Nations. Accession to the Convention by non-member States would not, therefore, entitle them to membership of those bodies. The only real right that a party acquired was to state that it was a party. It would be unfortunate if a formality of that kind was used as a lever to gain recognition for certain States. In any event, that was not a question for the Conference to decide. To avoid any misunderstanding, he would vote against the Indian proposal.

Mr. MOLEROV (Bulgaria) said that the Convention had been drafted on the basis of humanitarian principles. It should be universally acceptable and therefore all States should be able to accede to it. For that reason, it was necessary to amend article 48. Under the article as it stood, some States would be deprived of any possibility of acceding to the Convention. That was regrettable, as such countries as the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam, which played an important part in the production of and trade in narcotic drugs, were excluded from participation. That was most unfortunate, as their co-operation was neces-

sary to ensure a satisfactory system of control. He therefore supported the Indian proposal.

Mr. LEDESMA (Argentina) said that it was difficult to avoid political discussion when dealing with what was obviously a political problem; but the Conference was not empowered to deal with such problems, which should be left, as the United States representative had said, to other United Nations bodies, such as the Economic and Social Council.

Mrs. CAMPOMANES (Philippines) said that she was opposed to the deletion of the phrase. Since the question had political overtones, the General Assembly rather than the Conference might be the more appropriate forum for its discussion.

Mr. WATTLES (Office of Legal Affairs), referring to the proposal of India that the Convention should be open to accession by "any other State", stated that the Secretary-General did not wish to be put in the position of having discretionary power to decide which entities were States and which were not. In the past, the Secretary-General had been directed to take certain actions in respect to "all States". In such circumstances he could only be guided by decisions of organs of the United Nations and the specialized agencies, and where statehood was in dispute, would take the action only with regard to States parties to the Statute of the Court or Members of the United Nations, the specialized agencies or the International Atomic Energy Agency. The past practice, which would presumably be followed in the future, had been severely criticized by certain Members. The Secretary-General took no position on the question which States should be invited to become parties. That decision was for the Conference, and the Secretary-General would carry out any express instructions he was given. But if the Conference desired to depart in substance from the draft before it, its instructions should be explicit; it might be provided, for example, that any State which was recognized as such by any Member of the United Nations might become a party to the Convention. It would be best, however, to avoid the expression "any other State", as that formula would risk involving the Secretary-General's depositary functions in political controversy.

After further discussion in which Mr. RODIONOV (Union of Soviet Socialist Republics), Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) and Mr. FINGER (United States of America) took part, the PRESIDENT said that, in putting the Indian amendment to the vote, he was asking the members of the Conference to indicate whether they were in favour of or opposed to the retention of the words "which the Council may invite to become a party".

At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call.

Haiti, having been drawn by lot by the President, was called upon to vote first.

In favour: Holy See, Iran, Italy, Japan, Republic of Korea, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Spain,

Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Brazil, Canada, Chile, China, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala.

Against: Hungary, India, Indonesia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Ghana.

Abstaining: Israel, Liberia, Switzerland, United Arab Republic, Chad.

The result of the vote was 34 in favour and 16 against, with 5 abstentions.

The words "which the Council may invite to become a party" were retained, having obtained the required two-thirds majority.

Mr. WIECZOREK (Poland) proposed that the words "as well as any State which is a party to any of the existing conventions in the field of narcotics control" should be added at the end of the paragraph. He thought that it was desirable to expand the categories of States which could accede to the Convention. The adoption of that amendment would enable countries which were not Members of the United Nations to take part in international co-operation in the field of narcotics control. On purely legal grounds, States which were parties to the existing conventions should also be able to become parties to the new convention. Among the States he had in mind were the German Democratic Republic which, through the Government of Poland, had declared that it participated in a number of existing conventions, including the 1931 Convention, and the Democratic Republic of Viet-Nam, which, in its territory, was heir to the legal commitments of France and, as such, a party to the existing conventions.

In reply to a question from Mr. GREEN (United Kingdom), Mr. WATTLES (Office of Legal Affairs) said that there was some uncertainty as to exactly which countries were parties to the existing conventions. At least one State which was not a Member of the United Nations or the specialized agencies had declared that the existing conventions concerning narcotic drugs which had previously applied within its territory had again become applicable. There was disagreement among the other parties to those conventions whether the entity in question could be regarded as a State and hence be a party to the existing conventions.

The PRESIDENT put the Polish amendment to the vote.

At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call.

The Republic of Korea, having been drawn by lot by the President, was called upon to vote first.

In favour: Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Indonesia.

Against: Republic of Korea, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Brazil, Canada, Chile, China, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, Holy See, Iran, Italy, Japan.

Abstaining: Liberia, Switzerland, United Arab Republic, Cambodia, Chad, Ghana, Israel.

The result of the vote was 14 in favour and 34 against, with 7 abstentions.

The Polish amendment was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT drew attention to the Peruvian delegation's oral amendment adding the words "of any non-member State which is a party to the Statute of the International Court of Justice, or a member of a specialized agency and" after the words "or acceptance on behalf of any Member of the United Nations".

Mr. GREEN (United Kingdom) thought that the categories of States referred to in the Peruvian amendment were already covered by the words "any State invited to participate in the Conference".

Mr. LANDE (Deputy Executive Secretary) said that Liechtenstein was a party to the Statute of the International Court of Justice, but had not been invited to the Conference.

In replying to a question from Mr. WEI (China), Mr. LANDE (Deputy Executive Secretary) said that all the present members of the International Atomic Energy Agency were either Members of the United Nations or members of the specialized agencies, although the situation might change in the future.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) and Mr. WIECZOREK (Poland) supported the Peruvian amendment which would enable a greater number of States to become signatories to the Convention.

Dr. MABILEAU (France) also supported the amendment, since it would enable the Islamic Republic of Mauritania to become a party to the Convention.

The PRESIDENT suggested that, to avoid a repetitive wording, the phrase proposed by the representative of Peru should replace the words "of any State invited to participate in the Conference held at ... on ..."

He invited the Conference to vote on the Peruvian amendment, revised in the manner he had just suggested.

The result of the vote was 46 in favour and none against, with 5 abstentions.

The amendment was adopted, having obtained the required two-thirds majority.

The PRESIDENT drew attention to the Mexican delegation's amendment (E/CONF.34/L.35).

Mr. RODIONOV (Union of Soviet Socialist Republics), supported by Mr. BITTENCOURT (Brazil), asked that the amendment should be put to the vote paragraph by paragraph.

Mr. GREGORIADES (Greece) suggested that a vote on paragraph 1 was unnecessary, since the Conference had just adopted an identical text.

Mr. BOULONIS (Netherlands) pointed out that there was a difference between the two texts in that paragraph 1 of the Mexican amendment contained the additional words "until 1 August".

The PRESIDENT suggested that instead of voting on paragraph 1 of the Mexican amendment, the Conference should vote on the addition of the words "until 1 August" to which the year "1961" would be added.

It was so agreed.

The result of the vote was 18 in favour and 3 against, with 32 abstentions.

The words "until 1 August 1961" were adopted, having obtained the required two-thirds majority.

The PRESIDENT said that the drafting committee would be asked to insert them in the appropriate place.

The PRESIDENT put paragraph 2 of the Mexican amendment (E/CONF.34/L.35) to the vote.

The result of the vote was 40 in favour and 1 against, with 14 abstentions.

The amendment was adopted, having obtained the required two-thirds majority.

The PRESIDENT invited the Conference to consider paragraph 3 of the Mexican amendment.

Mr. CURRAN (Canada) suggested that the words "and by any other State which the General Assembly may invite to become a party" in paragraph 3 of the Mexican proposed re-draft were superfluous because they had been included in article 48, paragraph 1, as adopted by the Conference.

Mr. BITTENCOURT (Brazil) asked when, according to paragraph 3 of the Mexican proposed re-draft, the Convention would be open for accession by Members of the United Nations and States invited to participate in the Conference, after 1 August 1961.

Mr. BARONA (Mexico) said that the Convention would be open for accession after 1 August 1961, but that countries acceding after that date would not have the standing of signatories to the Convention. The Mexican re-draft distinguished between two categories: States represented at the Conference, for whose signature a time-limit was fixed; and other countries which, upon invitation by the Council, would be able to accede to the Convention.

Mr. BITTENCOURT (Brazil) said that, in that case, the words "after 1 August 1961" should be inserted between the words "accession" and "by" in the first line of paragraph 3 of the Mexican proposed re-draft.

Mr. CURRAN (Canada) noted that without the addition of the words suggested by the Brazilian representative a Member of the United Nations or State invited to take part in the Conference which did not sign the Convention by 1 August 1961 would have to be invited to become a party by the Economic and Social Council

in order to have the right to accede to the Convention. If the words suggested by the Brazilian representative were added, however, a State invited by the Council would be prohibited from acceding to the Convention before 1 August 1961.

The PRESIDENT suggested that the Canadian and Mexican representatives should prepare a satisfactory text for the next meeting.

The meeting rose at 7.15 p.m.

THIRTY-FIFTH PLENARY MEETING

Tuesday, 21 March 1961, at 10.15 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 48 (Languages of the Convention and procedure for acceptance) (continued)

The PRESIDENT invited the Conference to continue its debate on article 48 and on the Mexican amendment (E/CONF.34/L.35). The first two paragraphs of the amendment had been adopted, with certain changes, at the previous meeting.

Mr. BARONA (Mexico) said that in paragraph 3 of his delegation's amendment the words "and by any other State which the General Assembly may invite to become a party" should be deleted.

In reply to Mr. CURRAN (Canada), Mr. WATTLES (Office of Legal Affairs) explained that, as a result of the decision at the previous meeting, the word "acceptance" in article 48, paragraph 1 (third draft) had been deleted. The Mexican re-draft of paragraph 3 employed the word "accession" [adhésion]. It seemed that the Conference desired a procedure providing either for signature and ratification of the Convention or for accession to the Convention. The Convention would be open for accession only after the moment when it ceased to be open for signature.

Mr. BITTENCOURT (Brazil) said that it was important to distinguish between signatory States and acceding States. The Convention would be open for signature and ratification immediately after adoption, and would be open for accession after 1 August 1961.

Mr. BARONA (Mexico) said that the countries attending the Conference could sign the Convention before 1 August 1961; however, he would like to know whether the period for accession would run from that date.

Mr. WATTLES (Office of Legal Affairs) explained that the Convention would be open to accession as from 2 August 1961. It was not absolutely necessary to provide a fixed date as from which instruments of accession could be deposited, but that was current practice.

He added that the words "of the United Nations" in paragraph 3 of the Mexican amendment were unnecessary, since the term "Secretary-General" was defined in article 1.

Paragraph 3 as proposed by Mexico was adopted by 28 votes to 8, with 4 abstentions.

Article 48 as a whole, as amended, was adopted by 31 votes to 8, with 3 abstentions, subject to drafting changes.

Article 49 (Entry into force)¹

The PRESIDENT drew attention to the amendment submitted by the USSR (E/CONF.34/L.20).

Mr. VERTES (Hungary) said that, in the interests of universality, it was desirable that a large number of countries should be parties to the Convention. Since the number of States Members of the United Nations had reached ninety-nine, the number of ratifications and accessions required for the entry into force of the Convention should be fifty.

Mr. RODIONOV (Union of Soviet Socialist Republics), introducing his delegation's amendment to article 49, said that fifty ratifications or accessions should be required for the entry into force of the Convention. While his delegation did not insist on that particular figure, he wished to stress that the Single Convention differed from the conventions which it was to replace; it would be effective only if the number of States parties to it was greater than the number of States which had acceded to the 1925 Convention. Admittedly, its entry into force might be somewhat delayed if the deposit of fifty, rather than twenty-five, instruments of ratification or accession were required. But the Convention would as a consequence have much greater authority than the 1925 and 1931 Conventions.

His delegation also proposed, in its amendment, that the entry into force of the Convention should depend on ratification or accession by a certain number of States which produced or manufactured narcotic drugs, for those were the States which would have to assume the heaviest obligations under the Convention. Under article 31, for example, they would have to take certain control measures, or change existing controls. Furthermore, the Convention would be really effective only if the principal producers of opium—India, Turkey, the USSR and Yugoslavia—were parties to it. It was not, therefore, enough to make the entry into force of the Convention dependent simply on the accession of fifty States, for if those fifty States included no large producing country the Convention would lose much of its effectiveness. The Convention was not a law-making treaty; it was a technical agreement, and that was an additional reason for taking the greatest account of the producing countries. There were other cases in which the entry into force of an international agreement had been made conditional upon the participation of a small number of States vitally concerned in the application of the agreement; one specific example was the International Convention for the Safety of Life at Sea, 1948,

whose entry into force had been made conditional on ratification by fifteen States, including seven countries each with not less than one million gross tons of shipping.

The criterion laid down in paragraph 1 (a) of the USSR amendment was the output of opium during any of the past three years; should the Convention come into force after 1961, that circumstance would have to be taken into account. According to information furnished by the PCOB, four countries had been producing more than ten tons annually during those three years: India, Turkey, the USSR and Yugoslavia. With respect to paragraph 1 (b), he said four States had produced at least two tons of coca leaf in any year since 1958: Bolivia, Colombia, Indonesia and Peru. Lastly, eighteen countries — according to the statistics of the PCOB — fulfilled the condition laid down in paragraph 1 (c). In that connexion, the Canadian representative had asked why the USSR amendment did not take into account the group of States which produced synthetic narcotic drugs. It was difficult to determine, on the basis of the statistics furnished by the PCOB, which States came within that category. For that reason it seemed preferable to take output of, or manufacture from, morphine as a criterion. The States manufacturing synthetic narcotic drugs were therefore included among the eighteen States which he had mentioned.

The entry into force of the Convention should depend on the fulfilment of qualitative as well as of purely quantitative conditions. His delegation was prepared to change the figures in paragraph 1 (a), (b) and (c) of the amendment, but the Convention's entry into force should be dependent on ratification or accession by the main narcotics-producing States.

Mr. GAE (India), commenting on the USSR amendment, said that, firstly, the number of States should be raised from twenty-five to forty, as the United Kingdom representative had suggested at the 32nd meeting, rather than to fifty; the entry into force of the Convention should not be too long delayed. Secondly, he thought that sub-paragraphs (a), (b) and (c) of paragraph 1 of the USSR amendment were hardly necessary, in the light of the new version of article 32 which had been adopted.

Mr. GREEN (United Kingdom) recalled that his delegation had suggested the deletion of sub-paragraphs (a), (b) and (c) of paragraph 1 of the Soviet amendment. He had no strong views about those sub-paragraphs, but if they were maintained he would formally propose that the figure in sub-paragraph (c) should be twelve rather than fifteen. He also proposed that the number of instruments of ratification or accession referred to in paragraph 1 should be changed from fifty to forty.

If necessary, the United Kingdom delegation would ask for a separate vote on sub-paragraphs (a), (b) and (c).

Mr. ACBA (Turkey) said that at least forty accessions should be required for the Convention's entry into force.

With regard to paragraph 1 (a) of the USSR amendment, he said that the Convention was concerned mainly with the principal producing countries. Those countries were expected to assume serious obligations, and the

¹ Previously discussed at the 32nd plenary meeting.

Convention's entry into force should therefore depend on their participation. The figure of three States could be changed, but it was important to secure the participation of a number of countries representing a reasonable proportion of the principal producers of opium. The same remark applied to countries producing coca leaf—as well as to countries manufacturing alkaloids (especially from morphine), for they were the countries which manufactured synthetic narcotic drugs.

Dr. MABILEAU (France) said that the reference to twenty-five States in the original draft could not stand, because of the increase in the membership of the United Nations. The French delegation was willing to accept the figure of fifty States proposed by the USSR. Sub-paragraphs (a) and (b) could, he thought, be combined. The fifteen States referred to in sub-paragraph (c) seemed to him too many; it would be better to reduce that number to ten.

The French delegation regretted that not enough attention had been paid to States which manufactured synthetic narcotic drugs, but it would not press the point.

Mr. CURRAN (Canada) agreed with the United Kingdom representative's suggestions, since he thought that forty States represented the most realistic number. The criteria laid down in paragraph 1 (a), (b) and (c) of the Soviet amendment were unwise, because they amounted to the implicit compilation of a list of countries, which would mean that insufficient attention was paid to the rights of other countries. For that reason it would be better to delete sub-paragraphs (a), (b) and (c). If, however, they were retained, the figures should be reduced. Otherwise the Convention, like the 1933 Protocol, might never enter into force. If forty countries found the Convention acceptable, that number should suffice for its entry into force, and there was no need to lay down other conditions. Sub-paragraphs (a), (b) and (c) of paragraph 1 of the Soviet amendment no longer had the value which they would have had a few years earlier. The question of the coca leaf was not of the first importance, and it would be regrettable if the Convention could not come into force because two countries producing coca leaf found it unacceptable. Morphine, likewise, was steadily declining in importance; it might soon be completely replaced by synthetic narcotic drugs. Lastly, he asked whether the word "output" in paragraph 1 (a), (b) and (c) meant production or export.

In any case, the Canadian delegation would ask for a separate vote on sub-paragraphs (a), (b) and (c).

Mr. RODIONOV (Union of Soviet Socialist Republics) said he could not agree with the Canadian representative that the USSR amendment, if adopted, might delay the Convention's entry into force because of the strict conditions which it laid down. There were similar provisions in the Conventions of 1925 and 1931 and the Protocols of 1948 and 1953. The Single Convention was technical; it concerned the campaign against illicit traffic in narcotic drugs, and set up a control system mainly affecting the producing countries. If forty ratifications alone were required for the Convention's entry into force, it might take effect without having been

ratified by any producing country. In that case it would be ineffective, and the uncertainties of the present situation would be increased.

Furthermore, article 49 was a purely transitional provision; it would no longer apply when the Convention had entered into force. The Canadian representative's fears were unjustified, since almost all the countries which manufactured synthetic narcotic drugs produced, or manufactured from, morphine. The USSR delegation was willing that manufacturers of synthetic narcotic drugs should be mentioned in article 49; it had omitted them only because of the great variety of such drugs. The word "output" should be replaced by "manufacture".

He agreed that the number of States mentioned in sub-paragraph (c) could be reduced to twelve, and that sub-paragraph (b) could be deleted or amended, since the Convention contained no detailed provisions on coca leaf, and illicit traffic in it was of small dimensions and purely regional. He was also willing that the number of ratifications required for the Convention's entry into force should be fixed at forty.

Mr. ASLAM (Pakistan) shared the Canadian representative's view on paragraph 1 (a), (b) and (c) of the USSR amendment.

Mr. JOHNSON (Liberia) said that the increased membership of the United Nations should be taken into account; he would therefore agree that the number of ratifications required should be fixed at fifty, although he preferred the figure of forty. He had no great objection to paragraph 1 (a), (b) and (c) of the USSR amendment, provided that the figures mentioned in them were reduced.

Mr. BEVANS (United States of America) said he was glad that the representative of the USSR had agreed to reduce to forty the number of ratifications required for the Convention's entry into force, and that he was not opposed to the deletion of sub-paragraph (b). The other two sub-paragraphs could also be omitted but, if they were kept, the word "fifteen" in sub-paragraph (c) should be replaced by "twelve". There was no reason to mention the Secretariat of the United Nations in the third line of paragraph 1, since article 48 was explicit enough on that point.

Mr. ACBA (Turkey) agreed that the number of ratifications necessary for the Convention's entry into force could be fixed at forty. With respect to paragraph 1 (a) of the USSR amendment, he said that certain delegations had feared that a monopoly in opium production might develop. That might well happen if the provision in question were deleted; if the Convention were ratified by forty countries, including only one producing country, that country would in fact have a monopoly. The Single Convention's entry into force might be delayed by the need to obtain the signatures of the States referred to in that provision, but meanwhile the other conventions would still apply.

It had been implied that too much attention should not be paid to natural alkaloids, since the Single Convention was designed to make provision for the future;

but in that case, why were obligations imposed on countries which produced them? The Conference should be realistic and take into account the part played by natural narcotic drugs. Accordingly, the Conference should approve paragraph 1 (a) of the USSR amendment, as well as paragraph 1 (b) and (c) subject to certain changes.

Mr. BOULONNOIS (Netherlands) also thought that the number of ratifications required for the Convention's entry into force should be fixed at forty, and that the words "Secretariat of the United Nations" in paragraph 1 of the USSR amendment should be replaced by "Secretary-General of the United Nations". Sub-paragraphs (a), (b) and (c) could be deleted, as the figures mentioned in them were too high.

Mr. CURRAN (Canada) pointed out that, if sub-paragraph (a) of the USSR amendment was approved and the Convention's entry into force thereby delayed, the countries which had ratified it would feel morally bound, and would be obliged to obtain their supplies of opium from countries which might not yet be parties. In any case, if sub-paragraphs (a) and (c) were retained, the word "three" in sub-paragraph (a) should be replaced by "two" and the word "fifteen" in sub-paragraph (c) should be replaced by "ten". The position of the synthetic drug manufacturers should be taken into account and, for that purpose, the other artificial narcotic drugs should be mentioned.

The PRESIDENT suggested that the Conference should decide whether provisions should be inserted in article 49 which would make the entry into force of the Convention subject to ratification by certain States. If the Conference voted against such provisions, paragraph 1 of article 49 would consist simply of a clause stating that the Convention would enter into force upon the deposit of a specified number of instruments of ratification or accession.

The insertion in article 49 of provisions imposing special conditions was rejected by 25 votes to 9, with 9 abstentions.

Dr. MABILEAU (France) proposed that the number of ratifications or accessions necessary for the Convention's entry into force should be fifty, in order that the Convention should become applicable only if ratified or acceded to by a large number of the countries principally concerned in the drug trade.

The proposal was rejected by 26 votes to 11, with 5 abstentions.

The PRESIDENT suggested that the number of ratifications or accessions necessary for the Convention's entry into force should be forty.

It was so agreed.

The PRESIDENT, replying to a question by Mr. BOULONNOIS (Netherlands), suggested that, in view of the provisions of article 48, there was no need to refer to the Secretary-General of the United Nations in article 49.

It was so agreed.

The USSR draft of article 49 as a whole, as amended, was adopted by 37 votes to none, with 10 abstentions.

Article 50 (Territorial application)

The PRESIDENT, inviting debate on article 50, drew attention to the Netherlands delegation's re-draft of the article (E/CONF.34/L.30).

Mr. BOULONNOIS (Netherlands), introducing his delegation's re-draft, said that the expression "Non-Self-Governing, Trust, colonial and other non-metropolitan territories for the international relations of which any party is responsible" was out-of-date and inappropriate. The purpose of the Conference was to conclude a convention which would remain in force for a long time. The phrase was incompatible with modern concepts of inter-state relations and in many recent treaties it had been replaced by another—"territories for the international relations of which the parties are responsible"—which had the advantage of covering all the territories mentioned in article 50 and of corresponding more closely to the different constitutional systems in force in the modern world.

Some of the provisions of article 50 as it appeared in the third draft were rather vague. Legally, an analogy could be drawn between the act of ratification or accession and the act of notifying the Secretary-General that the convention would apply to a territory for the international relations of which the State concerned was responsible. In many cases, by reason of the legal relationship between the State and the territory, such notification presupposed the territory's agreement, just as ratification presupposed the prior approval of the legislature. Furthermore, the act whereby a party denounced a convention was comparable to that whereby it gave notification that the convention would no longer apply to a territory for whose international relations it was responsible; very often such notification could not be given without the prior agreement of the territory concerned.

The amendment submitted by his delegation was based on those principles, which were reflected in many recent treaties concluded under the auspices of the United Nations and the ILO. As his delegation considered that any party was morally obliged to obtain the agreement of the territories concerned before it could apply the Convention to them, and to do so as soon as possible, it had mentioned that obligation in paragraph 3 of its amendment.

Mr. WATTLES (Office of Legal Affairs), replying to a question by U TUN PE (Burma), explained that in the Convention the word "territory" was used in two different senses. In article 1, sub-paragraph (bb), it was stated that the term meant any part of a State which was treated as a separate entity for the application of the system of import certificates and export authorizations. In that sense it did not refer to the territory of a State properly so called. For example, a State which had an enclave within the customs boundaries of another State would not have to apply the provisions of the Convention in that enclave. By contrast, as used in article 50 the term meant the territory over which a State exercised sovereignty, and non-metropolitan territories were those which were separated from the motherland.

Mr. CERNIK (Czechoslovakia) said that article 50 was a variant of the colonial clause in multilateral agreements. The provision was unjustifiable, especially as the General Assembly had adopted a declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), which condemned the colonial system. The Convention should apply to all non-metropolitan territories without exception.

Mr. SHARE (New Zealand) said that the Convention should not automatically bind the non-metropolitan territories for which New Zealand was responsible; it would not be right to take a decision without consulting the territories concerned, particularly in the case of a territory which, like Western Samoa, was on the way to independence. To prevent dependent territories from expressing their wishes would be contrary to Article 73 of the Charter. He therefore thought that article 50 should be retained.

Mr. MAURTUA (Peru) said that article 50 of the Convention introduced a non-legal element—that of custom. But the custom might change or might not be recognized in international law.

Mr. GREEN (United Kingdom) thought that the representative of Czechoslovakia had adopted a strange position in saying that the Convention should apply automatically to all dependent territories. It was not the custom of the United Kingdom Government to enter, on behalf of dependent territories but without their consent, into commitments regarding matters of concern to those territories. In the absence of any notification procedure, each party would have to wait until all dependent territories had accepted the Convention, before it could ratify it. That being so, the United Kingdom could not become a party to the Convention if article 50 were deleted.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said it was not necessary for the Conference to trouble about article 50 if it intended to adhere strictly to the terms of the General Assembly's declaration on the granting of independence to colonial countries and peoples. He recognized that the article was necessary, but he considered that certain provisions in it should be modified and brought into line with the Declaration. Thus it should be stated that article 50 was merely of a temporary nature, and it should be placed among the transitional provisions. In addition, in paragraph 1 of the Netherlands amendment, the words "for the time being" should be inserted before the words "it is responsible". Paragraph 4 of that amendment was totally unacceptable, because it implied that the colonial system would still be in existence in two years' time.

Mr. PRAWIROSOEJANTO (Indonesia) considered that the Convention should apply both to metropolitan and to non-metropolitan territories, without distinction. The Conference should adopt a provision making its application to the latter automatic. The word "colonial" should be deleted from the article, which might be placed among the transitional provisions, as the representative of the Byelorussian SSR had proposed, because the Conference had to take into account General Assem-

bly resolution 1514 (XV), which anticipated a swift end to the colonial system.

Mr. RODIONOV (Union of Soviet Socialist Republics) supported the Byelorussian representative's proposal that article 50 should be placed among the transitional provisions. He hoped that the Conference would not vote immediately on the article, so that it could be brought into line with General Assembly resolution 1514 (XV). So far as paragraph 4 of the Netherlands amendment was concerned, it did not appear in article 50 of the third draft of the Single Convention, and its adoption would be a retrograde step.

Mr. BOULONNOIS (Netherlands) pointed out that paragraph 4 of the Netherlands amendment was in keeping with article 53, paragraph 1, of the third draft, and that it covered only those cases where the Convention would cease to apply to a territory for the international relations of which a party was responsible.

Mr. ASLAM (Pakistan) considered that paragraph 4 of the Netherlands amendment was similar to paragraph 1 of article 53 of the third draft. It could therefore be deleted, especially as article 53 referred specifically to the denunciation of the Convention.

Mr. GREEN (United Kingdom) suggested that the Conference should base its discussion on the article as it appeared in the third draft, which members had had ample time to study. He could not agree that the territorial application clause should be regarded as a transitional provision. The arguments which had been advanced to support that idea were based on conceptions quite foreign to the spirit and aims of the Convention.

Mr. KUNTOH (Ghana) pointed out that the territorial application clause dated from a period when, for many territories, the prospects of independence had been remote. He was opposed to the use of the word "colonial"; he would be prepared to accept paragraph 1 of the Netherlands amendment if the word "now" was added before the word "responsible".

Miss VELISKOVA (Czechoslovakia) proposed that the last sentence of the article, which appeared to duplicate the first sentence, should be deleted.

Mr. WIECZOREK (Poland) said that the march of history had rendered obsolete certain ideas contained in the article, such as the idea of colonial territories. The Conference should bear in mind the declaration adopted by the General Assembly. Furthermore, as the colonial system was disappearing, article 50 should be included among the transitional provisions. The decision should not be taken in haste, and he moved the adjournment of the debate so that the Conference could prepare a text more in line with realities.

The PRESIDENT pointed out that delegations had had the opportunity of making a careful study of the third draft. Moreover, as the Netherlands amendment had been circulated four days previously, one could not really speak of a hasty decision. He therefore put to the vote the motion that the debate be adjourned.

The motion was defeated by 24 votes to 14, with 8 abstentions.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that, while he did not approve the text of article 50 of the third draft, it had at least the merit of being clearer than the Netherlands amendment. In particular, the latter's use of the expression "all or any of the territories" would allow the parties to act exactly as they pleased with regard to the territories. That was no improvement on the original text.

Mr. ASLAM (Pakistan) asked the representative of the Netherlands to replace the words "all or any of the" by the words "all the".

Mr. BOULONNOIS (Netherlands) agreed that to alteration. He pointed out that the sole object of the amendment was to make article 50 clearer from the legal standpoint.

Mr. GAE (India), supported by Mr. GREEN (United Kingdom), proposed that the expression "all the territories" be replaced by "all the non-metropolitan territories", since the word "territory" had a special meaning in article 50.

Mr. WATTLES (Office of Legal Affairs) thought that proposal reasonable, since the problem of territorial application arose only in connexion with non-metropolitan territories.

With regard to the proposal of the representative of Ghana, it seemed that the addition of the word "now" before the word "responsible" would limit the usefulness of the Convention. Certain non-metropolitan territories were currently administered as integral parts of the metropolitan country; subsequently, as they progressed towards independence, they would perhaps have their own separate administration. The use of the word "now" would make it impossible for the Convention to be extended to those territories.

Mr. BOULONNOIS (Netherlands) said that, if the expression "non-metropolitan territories" was adopted, his government would have to make a reservation with regard to the Convention.

The PRESIDENT put to the vote the proposal of the representative of Ghana that in the first sentence of article 50 the word "now" should be inserted before the word "responsible".

The proposal was rejected by 16 votes to 13, with 18 abstentions.

Mr. KALINKIN (Union of Soviet Socialist Republics) proposed that the Conference should first decide whether to retain the words "Non-Self-Governing, Trust, colonial and other . . . territories", and then decide whether to retain the word "non-metropolitan".

The Conference decided to delete the words "Non-Self-Governing, Trust, colonial and other . . . territories" by 41 votes to none, with 4 abstentions.

The Conference decided to retain the expression "non-metropolitan" in the first sentence of article 50 by 23 votes to 6, with 18 abstentions.

The PRESIDENT put to the vote the Czechoslovak amendment deleting the last sentence of article 50 (third draft).

The amendment was rejected by 27 votes to 11, with 11 abstentions.

Mr. KALINKIN (Union of Soviet Socialist Republics) proposed that the word "acceptance" in the last sentence of article 50 (third draft) be deleted and, in order to bring the sentence into line with the first sentence as amended, that the words "having regard to what is stated above" should be inserted after the word "declare".

The PRESIDENT thought that the drafting committee could be responsible for making those changes.

Mr. JOHNSON (Liberia) expressed regret that the proposal of the Ghanaian representative had been rejected, and hoped that the drafting committee would be able to express the principle of the amendment in question in some other way.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) asked where article 50 would be placed in the Convention; however, he was prepared to leave it to the drafting committee to decide that point.

Mr. CURRAN (Canada) pointed out that that was a substantive question; such a decision went beyond the powers of the drafting committee. That committee was prepared to consider the question, provided that its decision was not disputed.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that unfortunately he could not approve the drafting committee's decision in advance, and proposed that the Conference take a decision on whether to maintain article 50 in its existing place in the Convention.

The PRESIDENT said that it would be more practical to vote on the Byelorussian representative's original proposal; in that way it would be possible to decide, by a single vote, whether article 50 should be included among the transitional provisions.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) moved the adjournment.

The motion was carried.

The meeting rose at 1.15 p.m.

THIRTY-SIXTH PLENARY MEETING

Tuesday, 21 March 1961, at 3.15 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1)
(continued)

Article 50 (Territorial application) (continued)

The PRESIDENT invited the Conference to continue its debate on article 50 in the light of the decisions taken at the previous meeting.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that, in view of the ruling given by the President at the preceding meeting that the Conference would vote on his original proposal to transfer article 50 to the transitional provisions, he would ask the President, if that proposal was not adopted, to put to the vote the question whether article 50 should remain in its position in the third draft of the Convention.

The PRESIDENT put to the vote the Byelorussian proposal that article 50 should be transferred to the transitional provisions.

At the request of the Byelorussian representative, a vote was taken by roll-call.

El Salvador, having been drawn by lot by the President, was called upon to vote first.

In favour: Ghana, Hungary, India, Indonesia, Liberia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Against: Finland, France, Federal Republic of Germany, Holy See, Republic of Korea, Netherlands, New Zealand, Norway, Panama, Philippines, Spain, Sweden, Thailand, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Brazil, Canada, China, Denmark.

Abstaining: Iran, Mexico, Pakistan, Peru, Switzerland, Turkey, Venezuela, Argentina, Burma, Cambodia, Chile.

The result of the vote was 12 in favour and 21 against, with 11 abstentions.

The Byelorussian proposal was rejected.

The PRESIDENT asked the Conference to decide by a vote whether article 50 should remain in its position in the third draft of the Convention.

It was decided by 27 votes to 10, with 4 abstentions, to maintain article 50 in its present position.

Article 50 bis (Territories for the purposes of articles 27, 28, 29 and 42)

The PRESIDENT invited debate on the new article proposed by the Netherlands (E/CONF.34/L.36).

Mr. BOULONIS (Netherlands) recalled that under article 1, paragraph (bb), of the third draft, the word "territory" was defined as any part of a State which was treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 42. However, there was no provision in the third draft to cover the possibility that a territory, as defined in article 1, paragraph (bb), might be divided into two or more territories, or that two or more territories might be consolidated into a single territory. The Netherlands delegation had drafted paragraph 1 of the proposed new article 50 bis to provide for such eventualities. There was also the possibility that two or more parties to the Convention might later be united in a political union or in a customs union. It would not be necessary to include a special provision governing political unions in the Convention, since under interna-

tional law and practice concerning state succession, the new State created by the political union would indicate which treaties concluded by the former States it would regard as remaining in force. With respect to customs unions, on the other hand, the Convention should contain a provision stating that the parties to the customs union might be considered a single territory for the purposes of the articles dealing with the import, export and exchange of narcotic drugs, and also for the purposes of articles 27 and 28, since such parties would not be in a position to furnish separate statistical returns and estimates to the Board. Paragraph 2 of draft article 50 bis, dealing with the problem of customs union, was particularly important to the members of the Benelux Economic Union; its inclusion in the Convention would enable those States to sign the Single Convention without making reservations concerning their ability to comply with articles 27, 28, 29 and 42.

Mr. von SCHENCK (Switzerland) proposed that the following text should be substituted for paragraph 2 of the Netherlands draft article 50 bis: "Two or more States may notify the Secretary-General that, as the result of the establishment of a customs union between them, those parties constitute a single territory for the purposes of articles 27, 28, 29 and 42 and that for the purposes of those articles the control of their national territory or of a part of their national territory has been transferred to another State". Having made that proposal, the Swiss delegation would withdraw its amendment (E/CONF.34/L.26) to the redraft of article 42, paragraph 15 (E/CONF.34/15).

Mr. WATTLES (Office of Legal Affairs) said he understood that the Swiss delegation wished to deal with the problem of a State which had enclaves in the territory of another State or which had customs enclaves within its own territory. For the purposes of the application of the narcotics conventions, it had been the practice since 1925 to take into account only that area which was within the customs frontiers of a State. The enclaves of a territory under the sovereignty of one country but completely surrounded by the territory of another country and within the customs frontiers of that other country had not been considered the responsibility of the country of sovereignty so far as the application of the narcotics conventions was concerned. If a country had no customs frontiers around its enclave, it could hardly be expected to control imports and exports to and from the enclave or to apply to the enclave the system of export and import authorizations required by the Convention. In view of that consistent practice and the definition of "territory" in article 1, paragraph (bb), of the third draft, it seemed to him that the amendment proposed by Switzerland (E/CONF.34/L.26) would be superfluous, and that article 50 bis as proposed by the Netherlands delegation would adequately cover the situation.

Mr. von SCHENCK (Switzerland) said that, in view of the statement just made by the representative of the Office of Legal Affairs and the fact that no objections had been made to that statement, his delegation considered that the situation was sufficiently clear and would

withdraw its proposal with regard to paragraph 2 of the Netherlands draft article 50 *bis*.

Article 50 bis (E/CONF.34/L.36) was adopted by 27 votes to none, with 15 abstentions.

Article 51 (Termination of previous international treaties)

The PRESIDENT invited debate on article 51.

Dr. MABILEAU (France) recalled that his delegation, in its statements at the outset of the Conference, had drawn attention to the importance of articles 44 and 46, which dealt with the fight against the illicit traffic, and to the comparable provisions in the 1936 Convention. The main objective of the Single Convention was to make sure that drugs were produced and used exclusively for medical and scientific purposes; hence, the Convention contained only two articles relating to the fight against the illicit traffic. Undoubtedly, that subject deserved more serious consideration and should ideally be the subject of a special multilateral convention. The 1936 Convention was in force between twenty-seven countries; many other countries, though they had not ratified it, nevertheless applied most of its provisions. The continuance in force of the Conventions of 1925, 1931 and 1948 would be entirely incompatible with the adoption of the Single Convention; on the other hand, none of the provisions of the 1936 Convention would conflict with the new Convention. States not parties to the 1936 Convention should not oppose the desires of the parties to that Convention. Those parties to the 1936 Convention which did not wish to continue to apply its provisions could denounce it when the Single Convention came into force. He therefore proposed that sub-paragraph (f) should be deleted from article 51.

Mr. von SCHENCK (Switzerland) supported the statement of the French representative.

Mr. CURRAN (Canada) said his delegation also believed in the strictest form of international control and had sponsored a clause providing that a party might apply even stricter controls than those required by the Single Convention. Canada faithfully complied with the provisions of the 1936 Convention, and indeed the penalties for trafficking it imposed were among the most stringent in the world. There was nothing in the draft Single Convention to prevent any country from applying stricter controls than those required by the Convention. On the other hand, the maintenance in force of previous conventions would tend to weaken the Single Convention and negate the purpose for which it was being drafted, which was to consolidate the various narcotics conventions into a single instrument.

Mr. ASLAM (Pakistan) shared the view of the Canadian representative. The objective of the Single Convention was to dispense with the need to refer to other narcotics conventions, as well as to improve the system of narcotics control.

Dr. MABILEAU (France) said that his delegation's proposal for the deletion of sub-paragraph (f) would not in any way weaken the Single Convention. Articles 11, 12 and 13 of the 1936 Convention contained very detailed provisions, which would have been unacceptable in the

Single Convention. From the outset his delegation had sought to determine which principles would be generally acceptable to all members of the Conference, and on that basis it had supported the very moderate proposals put forward by the International Criminal Police Organization. The 1936 Convention would supplement the mild provisions of the Single Convention by providing better weapons for the fight against the illicit traffic.

Mr. von SCHENCK (Switzerland) said that Switzerland was a confederation, whose cantons had their own legislation. Unless there was a legal obligation such as that imposed by the 1936 Convention, the legislation of the cantons could not be applied to proceedings which took place outside Switzerland. There was, therefore, a practical and important reason for continuing the 1936 Convention in force.

Mr. RODIONOV (Union of Soviet Socialist Republics) supported the French proposal. The Soviet Union was not a party to the 1936 convention, but he saw no reason why the parties to that convention should not keep it in force if they so desired. That would not have the effect of weakening the Single Convention, since the provisions of the 1936 Convention were even stricter. It should always be possible to adapt the provisions of the Convention to satisfy the requirements of particular States. He also wished to draw the attention of the drafting committee to the fact that article 51, sub-paragraph (j), purported to terminate a Protocol which was not yet in force.

Mr. BITTENCOURT (Brazil) also supported the French proposal. If the proposal was adopted, a statement should be included either in the Convention or in the Final Act to the effect that the 1936 Convention would remain in force except for those provisions which had been embodied in the Single Convention.

Mr. CURRAN (Canada) thought the solution was not so simple as the Brazilian representative had seemed to suggest. If sub-paragraph (f) were deleted, the drafting committee would find it difficult to indicate which provisions of the 1936 Convention remained in effect, and which did not. If the 1936 Convention continued in force there might be a serious conflict between its provisions and those of the Single Convention.

Mr. BEVANS (United States of America) supported the French proposal. The United States was not a party to the 1936 Convention, but it was in favour of strict controls against the illicit traffic. For that reason, his delegation wished to support the efforts of any group of countries to apply stricter controls. Furthermore, it was an established principle of treaty law that a later treaty prevailed over an earlier treaty; there should thus be no incompatibility between the provisions of the 1936 Convention and the Single Convention.

Mr. ASLAM (Pakistan) suggested that if a group of countries wished to apply the provisions of the 1936 Convention after the Single Convention had come into force, they could enter into agreements *inter se* containing those provisions. His delegation felt strongly, however,

that the Conference should formulate a Single Convention.

Mr. MABILEAU (France) said that the 1936 Convention was currently in effect and that it would be unusual and unnecessary to require the conclusion of new agreements to continue its provisions in force. Replying to the Canadian representative, he said that there was nothing to prevent any party to the 1936 Convention from denouncing that Convention at once. So far as the question of incompatibility was concerned, he understood from the Office of Legal Affairs that the deletion of sub-paragraph (f) would create no technical difficulties.

Mr. WATTLES (Office of Legal Affairs) said it was the view of the office of Legal Affairs that the French proposal would raise no technical difficulties. He did not see how the provisions of the 1936 Convention could conflict with those of the draft Single Convention, particularly as all the penal provisions in the draft Convention were subject to the constitutional limitations of the parties, and as many of the more important ones were also subject to national legal systems and domestic law and thus were more in the nature of optional recommendations than binding obligations.

The PRESIDENT said that the Conference's first and main task was to replace all existing narcotics treaties by a single Convention.

He put to the vote the question whether sub-paragraph (f) of article 51 should be retained.

The result of the vote was 9 in favour and 16 against, with 17 abstentions.

Sub-paragraph (f) was not retained.

Article 51 as a whole, as amended, was adopted by 42 votes to none, with 2 abstentions.

Mr. BOULONIS (Netherlands) said that the deletion of sub-paragraph (f) would have required a two-thirds majority; that majority had not been achieved.

The PRESIDENT said that, in the case of proposed deletions, the Conference had consistently followed the practice of voting on the retention of the words to be deleted, a two-thirds majority being required for their retention. Sub-paragraph (f) had not received the two-thirds majority and was therefore deleted.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, said that the situation produced by the deletion of sub-paragraph (f) was far from clear. Some provisions of the 1936 Convention were to remain in force, whereas others were to be superseded by the Single Convention. The drafting committee should be given clear directives in some form of wording which would define the obligations of States which were parties to both conventions. Otherwise, difficulties might arise owing to an incompatibility in the obligations imposed by the two conventions. He regretted that the sub-paragraph had been deleted, as the consequence might be that some of the signatories of the Single Convention would make a reservation. Furthermore, the decision just taken, which maintained the 1936 Convention in

force, seemed to conflict with the mandate given to the Conference in Economic and Social Council resolution 689 J (XXVI). Such a delicate matter could not be left to the drafting committee to decide.

Mr. CHIKARAISHI (Japan) said that the deletion of sub-paragraph (f) might indeed cause some practical difficulties. The 1936 Convention would remain in force, side by side with the Single Convention. Article 1, paragraph 1, of the 1936 Convention provided: "In the present convention, 'narcotic drugs' shall be deemed to mean the drugs and substances to which the provisions of The Hague Convention of January 23rd, 1912, and the Geneva Conventions of February 19th, 1925, and July 19th, 1931, are now or hereafter may be applicable." As the conventions mentioned in that paragraph would be superseded by the Single Convention, some technical adjustment would appear to be necessary.

Mr. WATTLES (Office of Legal Affairs) said that there was not necessarily any conflict between the 1936 Convention and the Single Convention. If there was any conflict of obligations, the later would prevail over the earlier in virtue of the principle *lex posterior derogat priori*. As for article 1, paragraph 1, of the 1936 Convention, it referred to a definite list of substances, which could be used in the application of the 1936 Convention, even though the treaties by which that list had been established ceased to be in force.

Mr. CURRAN (Canada) said he still thought that there was some incompatibility between the 1936 Convention and the Single Convention. In order to avoid any possible doubt, article 51 should contain some saving clause which would enable parties that wished to do so to continue to apply the 1936 Convention, but the provision should not be mandatory in order to meet the position of parties to the Single Convention which did not wish the 1936 Convention to remain in force as far as they were concerned. The vote had shown that many delegations shared his doubts, but there had been no time to consider in detail the effect of deleting sub-paragraph (f). It would be a pity if the Conference adopted a decision with far-reaching consequences without giving it proper thought. His own suggestion would enable the parties to the Single Convention either to denounce the 1936 Convention on signing the Single Convention or to make a reservation in respect to it.

Mr. CHIKARAISHI (Japan) said that that explanation did not entirely remove his doubts. As the earlier conventions became obsolete, the object of the 1936 Convention would become unclear. There would then be difficulties in interpreting its provisions.

Mr. WARREN (Australia) said that he had voted against the deletion of sub-paragraph (f) and had abstained on the article as a whole because he shared the doubts expressed by the Canadian representative.

Mr. BANERJI (India) said that his position was the same as that of the Australian delegation. The mere deletion of sub-paragraph (f) might well cause serious complications and a conflict of obligations. In particular, he feared that it might bind all the parties to the 1936

Convention, of which India was one, to continue to apply it, even if it conflicted with the Single Convention. In any event, there had not been enough time for reflection.

Mr. ASLAM (Pakistan) formally proposed that the Conference should reconsider its decision on sub-paragraph (f).

The PRESIDENT pointed out that under rule 34 of the rules of procedure, a two-thirds majority would be required to carry the Pakistan motion. As there seemed to be considerable doubt about the effect of the decision that the Conference had taken, he felt that it should be reconsidered.

Dr. MABILEAU (France) opposed the motion. The Conference had already voted to delete sub-paragraph (f) and it had also adopted article 51, with that amendment. His proposal had not been unexpected, for the French representative had expressly referred to the matter at the third plenary meeting. As had then been made clear, the French delegation wished the 1936 Convention to remain in force in order to strengthen the control system, not to undermine the Single Convention. There was no question of forcing the parties to the Single Convention to accede to the 1936 Convention, nor of forcing the parties to the 1936 Convention to continue to apply it if they preferred to abandon it in favour of the Single Convention.

Countries would therefore be free to take whatever decision would enable them to apply the most effective controls.

As to the legal points, his own view that there was no serious incompatibility between the two instruments had been confirmed by the representative of the Office of Legal Affairs. If there were technical difficulties, they would be resolved, in any event, because the later text would prevail over the earlier. For those reasons, he considered that the Conference should stand by the decision it had already taken.

Mr. von SCHENCK (Switzerland) also opposed the motion. The deletion of sub-paragraph (f) could not cause any difficulties. If such difficulties were to arise, they should be considered by the parties to the Single Convention and not at the Conference. Furthermore, it would be a pity to discard the 1936 Convention, which was a very effective instrument against the illicit traffic.

The PRESIDENT put to the vote the Pakistan motion for reconsideration.

The result of the vote was 21 in favour and 9 against, with 15 abstentions.

The motion was adopted, having obtained the required two-thirds majority.

Mr. LEDESMA (Argentina) said that he had abstained on the French proposal and had voted for the Pakistan motion because he had serious doubts about the decision taken on the French proposal. As was clear from Council resolution 689 J (XXVI), the Conference had been convened "for the adoption of a Single Convention on

Narcotic Drugs to replace the existing multilateral treaties in the field". It was therefore clear that the Single Convention should supersede all other treaties.

Mr. WATTLES (Office of Legal Affairs) pointed out that the first paragraph of the preamble of Economic and Social Council resolution 689 J (XXVI) recalled the Council's resolutions requesting the preparation of a draft of a single convention in order to replace by a single instrument the existing multilateral treaties relating to the control of narcotic drugs, to reduce the number of international treaty organs exclusively concerned with such control and to make provision for the control of the production of raw materials of narcotic drugs. The preamble did not expressly mention the suppression of the illicit traffic, which was the subject of the 1936 Convention. In operative paragraph 4 of the same resolution, the Council simply decided to convene a plenipotentiary conference for the adoption of a single convention on narcotic drugs to replace the existing multilateral treaties in the field. It was for the Conference to interpret the mandate given to it by the Council, and to decide how far it was possible or desirable to carry out that mandate. It would not, in his opinion, be a violation of its terms of reference if the Conference decided that the 1936 Convention should remain in force.

The PRESIDENT pointed out that operative paragraph 4 of the Council resolution provided that a single convention was to "replace" the existing multilateral treaties.

Mr. BANERJI (India) considered that the Conference should vote on the deletion rather than on the retention of sub-paragraph (f).

Dr. MABILEAU (France) said that it was quite true that the purpose of the Conference was to draft a single convention on narcotics control. However, that should not prevent existing treaties from remaining in force if they dealt with such specialized matters as the illicit traffic, which were only covered by very general provisions in the new Convention. Far from weakening the Single Convention, the maintenance in force of the 1939 Convention would actually strengthen it, as the latter Convention would constitute something in the nature of an annex on a specialized subject. The French delegation, among others, had made a number of concessions so as to arrive at a widely acceptable text. But it would be most unfortunate if the countries which wished to continue to apply the provisions of the 1936 Convention should be prevented from doing so. Besides, there was no reason why the few countries which had reservations concerning that Convention should not denounce it when the Single Convention came into force.

The PRESIDENT invited the Conference to vote a second time on the question whether sub-paragraph (f) should be retained.

The result of the vote was 20 in favour and 16 against, with 11 abstentions.

Sub-paragraph (f) was not retained, having failed to obtain the required two-thirds majority.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, expressed the view that it would be necessary to add a paragraph to article 51 to give effect to the decision just taken. It might perhaps be provided that the 1936 Convention, as between the parties thereto, would not be affected by the new convention.

Mr. WATTLES (Office of Legal Affairs) observed that the Canadian suggestion would involve a slight departure from the view held by the Conference that in the event of any inconsistency, the Single Convention should prevail.

Dr. MABILEAU (France) agreed that it was necessary to have a safeguard against possible conflicts between texts.

The PRESIDENT suggested that the drafting committee should be authorized to draft a suitable clause.

It was so agreed.

Article 52 (Transitional provisions)

The PRESIDENT invited debate on article 52.

Mr. CURRAN (Canada) said that the article was one of great importance. A somewhat complicated situation might arise, at least for a transitional period, in combining the functions of the PCOB, the DSB and the new control organ, and it would have eased the situation if the DSB and the PCOB could have had the same membership. Unfortunately, that hope had not been fully realized and consequently article 52 posed certain legal problems in view of the fact that some of the conventions in force provided for a different type of control organ. There was some doubt as to the legal competence of the Conference to amend the text of such conventions by means of a provision of the type set forth in paragraph 2 of article 52. Under that paragraph as drafted, countries that were not parties to the Single Convention would come under the jurisdiction of the new control organ which had a different title to the previously existing bodies, even if its purpose was the same. There was therefore a technical difficulty in that the parties to earlier conventions might object to being subject to the new control organ. It was, of course, difficult to draft a wholly satisfactory text. One possible solution would be to convene a new conference to agree on the transfer of the functions of the old bodies to the new control organ. However, in order to avoid the complications entailed by such a course, he hoped that the problem could be solved on a practical working basis. In an attempt to arrive at such a solution, his delegation, in consultation with the Office of Legal Affairs, had a tentative proposal to submit with regard to paragraph 2.

Mr. WATTLES (Office of Legal Affairs) said it was true that countries that were not parties to the new Convention might challenge the authority of the new control body, and, in the event of such challenge, the legal position would not be entirely clear. The solution of the problem largely depended on the goodwill of States and it was open to States not parties to the Single Convention to recognize the new body if they so wished. As to the legal situation, he recalled that the International Court

of Justice, in its first advisory opinion on the question of South-West Africa,¹ had stated that international control continued to exist, even when the original organs of control had ceased to exist, and that control could be exercised by new organs. It seemed likely that the same principle would apply in the field of narcotics, but the precise question had not yet been decided. It might, therefore, be advisable to make some arrangement to forestall any future difficulties. One solution would be to ensure continuity of action between the old bodies and the new control organ through identity of membership. That solution presented some difficulty because the membership of the new board would be larger than that of the previous bodies, but it might be possible for the members of the PCOB to be chosen from among the members of the new board, and for the members of the DSB to be chosen from among the members of both the new board and the PCOB. It was to be hoped, however, that States, even if not parties to the new convention, would recognize the competence of the new body.

The PRESIDENT said that the representative of Canada, in consultation with the Office of Legal Affairs, had prepared the following redraft of paragraph 2: "The Council shall fix the date on which the new board referred to in article 13 shall enter upon its duties. As from that date the members of the Permanent Central Board and the Supervisory Body referred to in paragraph 1 shall be chosen from among the members of the new board, and the members so chosen shall perform the functions of the Permanent Central Board and the Supervisory Body, with respect to the States parties to the treaties enumerated in article 51 which are not parties to this convention."

Mr. WATTLES (Office of Legal Affairs) pointed out that there was some implication in that text that the States not parties to the Single Convention would be deprived of the possibility of recognizing the competence of the organ established by the Single Convention. However, he thought that the drafting committee could modify the wording so as to give such States the option of recognizing the Board's competence.

Mr. ASLAM (Pakistan) pointed out that there was no reference in the proposed redraft of paragraph 2 to the method whereby the members of the PCOB and the DSB would be chosen.

Mr. WATTLES (Office of Legal Affairs) explained that the members of the earlier bodies were chosen by various methods which involved the Economic and Social Council and the World Health Organization. It might be assumed that the latter bodies would act in accordance with the new provision and, in their appointments, choose the members of the earlier bodies from the membership of the new board.

Mr. GREEN (United Kingdom) said that it was very difficult to reach a quick decision on such a technical question. Actually, he saw little difference between the revised draft proposed by the Canadian delegation and

¹ Advisory Opinion on the Status of South-West Africa, *ICJ Reports*, 1950.

the provisions of paragraph 2 as it stood. The difference seemed to be one of emphasis rather than of substance, in that the original draft appeared to deprive the parties to the earlier treaties of the right to elect the members of the organs in question, while the new draft appeared to tell those parties whom they should elect to the organs. There were two courses open to the Conference. Either it could draft article 52 in terms avoiding all reference to the membership of the earlier bodies, in which case the whole of paragraph 2 would be deleted, with the exception of the first sentence. Thus, the DSB and the PCOB would continue to exist so long as the earlier treaties were in force with respect to countries not parties to the Single Convention. Alternatively, some reference to future arrangements could be made and it could be provided that the new board would eventually take over the functions of the old bodies. In that case, it seemed to make little difference what form of words was used. He realized that there might be legal objections to informing the parties to the earlier treaties of the new arrangements and that it might be open to those parties to object to the arrangements. However, as a practical solution, it might be preferable to include a specific reference to the arrangements; there was little reason why the parties to the earlier treaties should object to them, especially if the new board functioned satisfactorily. The United Kingdom would prefer the text of paragraph 2 as it stood.

Mr. CURRAN (Canada) said it was true that the new text his delegation had proposed did not entirely resolve the technical difficulties. The solution could only be worked out in practice. If his own proposal was not adopted, he would ask for a separate vote on the second sentence of paragraph 2, as his delegation would have to vote against it.

Mr. DANNER (Federal Republic of Germany) said that his delegation could accept the new text proposed by the delegation of Canada but not the original draft of paragraph 2.

Mr. ASLAM (Pakistan) suggested that the second sentence of paragraph 2 should be redrafted in simpler language along the following lines: "As from that date, the Board shall be deemed to have taken over the functions of the Permanent Central Board and of the Supervisory Body referred to in paragraph 1", without mentioning the parties to the earlier treaties.

Mr. WATTLES (Office of Legal Affairs) said that the wording suggested by the delegation of Pakistan did not affect the substance of the provision and would not deal with the eventuality of States parties to the earlier conventions failing to accept the competence of the new body.

The PRESIDENT put the Canadian redraft of paragraph 2 to the vote.

The redraft was rejected by 8 votes to 3, with 37 abstentions.

Paragraph 1 and the first sentence of paragraph 2 were adopted by 46 votes to none, with 2 abstentions.

The second sentence of paragraph 2 was adopted by 15 votes to 4, with 26 abstentions.

Article 52, as a whole, was adopted by 45 votes to none, with 5 abstentions.

Article 53 (Denunciation)

Article 53 was adopted by 39 votes to none, with 7 abstentions.

Article 54 (Amendments)

The PRESIDENT drew attention to the amendment to article 54 submitted jointly by Canada and the United Kingdom (E/CONF.34/L.29).

Mr. GREEN (United Kingdom), introducing the joint amendment, said that its object was to simplify the complicated provisions of article 54 as it stood. It appeared from the comments submitted by various delegations that article 54 as it stood would give rise to some objection, particularly as it seemed to give the Commission complete power to decide on the amendment procedure to be followed. The basic issue was whether every amendment required a new conference or whether provision could be made for some other procedure. It was difficult to determine whether an amendment was of a minor character or not, and it was accordingly desirable that all parties should have an opportunity to reject a proposed amendment. According to the joint amendment, the Council would decide either to convene a conference or to circulate a proposed amendment to the parties. If no objections were received, the amendment would come into force; if objections were received, the Council would consider them and then decide whether a conference should be convened. He realized that that might not be the ideal procedure, but at least it had the merit of simplicity and should meet the main problems that might arise.

Mr. DANNER (Federal Republic of Germany) supported the joint amendment.

Mr. von SCHENCK (Switzerland) said that if the joint amendment were not accepted, his delegation would propose that the second sentence of paragraph 2 (b) should be amended to read: "The General Assembly, after inviting all the parties, may recommend to the parties for acceptance a treaty incorporating the amendment..."

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the joint amendment was an improvement on the original text. However, in view of the objections his own and other delegations had raised to the amending powers granted to the Commission and the Board under article 11, he asked the sponsors whether they would agree to delete the last part of paragraph 4 of their amendment, beginning with the words "or of the list of items in respect of which..."

Mr. CURRAN (Canada) recalled that the final decision on article 11, paragraph (c) (ii), had been deferred pending the debate on article 54. The point had been raised that the provision in article 11 might be taken to mean that the Commission, on the recommendation of the Board, could side-step the amending procedure and

impose additional obligations on the parties in respect of the submission of information. The sponsors of the joint amendment had not intended to give the Commission that power; it could not add to the list of items or in any way go beyond the provisions of articles 27 and 28. Thus, no added obligations on the parties were involved; paragraph 4 simply referred back to article 11, which in turn referred back to articles 27 and 28.

Mr. BANERJI (India) said that his delegation supported the joint amendment, but had one suggestion to make. Paragraph 2 of the joint amendment stated that the Council could decide whether to call a conference to consider an amendment rejected by one of the parties. But if the Council decided not to call a conference, that would mean that the amendment could not come into force even for those parties that accepted it. His delegation considered that in the case of minor amendments rejected by one or two parties the matter could be referred to the General Assembly, where the large majority of parties would be represented and where those with reservations would have an opportunity to reconsider their position. His delegation therefore proposed that the following words should be added at the end of paragraph 2 of the joint amendment: "or make a recommendation to the General Assembly that the amendment so proposed shall come into effect as between parties which have signified their acceptance thereof".

Mr. CHA (China) supported the joint amendment, but pointed out that the Council, which was to decide on the treatment of amendments to the Convention, might not have the necessary expert knowledge for that purpose and should rely, where necessary, on the Narcotics Commission. Unless that was also the understanding of the sponsors, he thought a provision to that effect should be included in the joint amendment.

Mr. KRUYSSSE (Netherlands) said that the joint amendment was shorter and simpler than the original and was therefore acceptable to his delegation. He shared the Soviet delegation's fears about empowering the Board or any other organ under the Convention to amend lists of items on which statistics and estimates were to be furnished; such changes might have the effect of imposing undue burdens on the parties. He was satisfied, nevertheless, with the explanation given by the Canadian representative. Furthermore, under article 10, all decisions of the Commission were subject to the Council's approval. The simpler procedure prescribed in the joint amendment had the advantage of allowing minor improvements in statistical information to be made without going through the full amendment procedure. He could not, for those reasons, support the view that the latter part of paragraph 4 of the joint amendment should be deleted.

Mr. ESTABLIE (France) said that his delegation approved of the joint amendment but agreed with the Chinese representative that the Council should consult the Commission before deciding on the treatment of amendments. It would, of course, be understood that the conference referred to in the joint amendment would not be on the scale of the present Conference.

Mr. MAURTUA (Peru) said that the expression "any comments" in paragraph 1 (b) of the joint amendment was open to different interpretations and proposed that it would be replaced by the words "the reasons for their opinion". He also thought that the drafting of the first sentence of paragraph 2 could be improved; as it stood, it implied that a party's silence would automatically be construed as acceptance of the amendment. It might be better to use an affirmative wording: "If a proposed amendment circulated under paragraph 1 (b) of this article has been accepted by all the parties, it shall thereupon enter into force."

Mr. De BAGGIO (United States of America) said that his delegation was generally in favour of the joint amendment but wished to ask the representative of the Office of Legal Affairs whether it was correct that the amendments referred to in paragraph 4 were distinct from amendments to the Convention as such. If so, was it necessary to protect the functions and powers of the bodies in question by the provision in paragraph 4?

Mr. WATTLES (Office of Legal Affairs) said that the question of the list of items and the problem of amending the Schedules had not been wholly resolved by the Conference. When those matters were settled, the reference to article 3 in paragraph 4 of the joint amendment would not be necessary, and the provision concerning the list of items could be inserted elsewhere, for instance in article 11.

Mr. GREEN (United Kingdom) believed that the Chinese representative's suggestion to insert a reference to the Narcotics Commission was not strictly necessary, since the Council would naturally hold prior consultations with the Commission. If the Conference wished to insert such a reference, however, he would not object.

The Peruvian representative's suggestion regarding paragraph 2 of the joint amendment would oblige all parties to submit letters of acceptance in respect of all amendments. But the experience of large organizations showed how difficult it was to obtain replies from all members. It had, therefore, seemed to the sponsors that the period of eighteen months allowed for notification of rejection—and reminders would be sent during that period—would be adequate.

In view of the remarks of the representative of the Office of Legal Affairs regarding paragraph 4 of the joint amendment, the sponsors would withdraw that paragraph.

Mr. LEDESMA (Argentina) said that his delegation would vote in favour of the joint amendment.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) asked the sponsors whether they would agree to the deletion of paragraph 3 of the joint amendment, as it would restrict the Council's freedom in regard to the convening of a conference. In any case, the Council was bound to some extent by its own rules of procedure.

Mr. GREEN (United Kingdom) said that the sponsors would be willing to withdraw paragraph 3 of their amendment. With respect to the addition to paragraph 2 proposed by the Indian representative, he said it would

somewhat complicate the arrangement the sponsors had in mind, as it would mean that some amendments would have effect for some parties but not for all. The sponsors considered that amendments should come into effect for all parties or not at all, and that the amendment proceedings should be conducted by the Council and not by the General Assembly. The suggestion of the Chinese and French representatives that the clause should require the Council to consult the Narcotics Commission before taking decisions on the treatment of amendments was in his view unnecessary, but he would not object to including words to that effect.

Mr. ESTABLIE (France) and Mr. CHA (China) said that their delegations would not press their suggestion.

The PRESIDENT put to the vote the Peruvian representative's proposal that the words "any comments" in paragraph 1 (b) of the joint amendment should be replaced by the words "the reasons for their opinion".

The proposal was rejected by 10 votes to 9, with 22 abstentions.

Mr. MAURTUA (Peru) said that he would simplify his second proposal and merely request that the word "expressly" should be inserted before the word "rejected" in the first sentence of paragraph 2 of the joint amendment.

The proposal was rejected by 18 votes to 9, with 14 abstentions.

Mr. BANERJI (India) revised his amendment: at the end of paragraph 2 of the joint amendment the words "or make recommendation that the amendment so proposed shall come into effect as between parties which have signified their acceptance thereof" should be added.

The proposal was rejected by 16 votes to 6, with 20 abstentions.

The PRESIDENT put to the vote the joint amendment as a whole, consisting of only its first two paragraphs, which would constitute the whole of article 54.

The joint amendment, as amended, was adopted by 36 votes to none, with 5 abstentions.

Mr. ESTABLIE (France) asked for an assurance that the amendment procedure just approved would not involve heavy financial implications.

Mr. YATES (Executive Secretary) said that it was difficult to foresee exactly the financial implications of the Single Convention as a whole and not only those of article 54 as adopted. All he could say was that all costs would be subject to the normal United Nations budgetary procedure and would therefore have to be approved by the Fifth Committee and the General Assembly.

Mr. ESTABLIE (France) said that costs should be kept as low as possible. If a conference was to be called to consider an amendment to the Convention, it could be convened most conveniently and economically during a session of the General Assembly. Most parties would have delegations at the session and it would therefore be necessary to invite only a few others.

Article 55 (Disputes)

The PRESIDENT drew attention to the amendment submitted by the USSR (E/CONF.34/L.21).

Mr. KALINKIN (Union of Soviet Socialist Republics) said that the object of the USSR amendment was to release the parties to the Single Convention from the duty to accept the compulsory jurisdiction of the International Court of Justice, for a compulsory jurisdiction clause would prevent many States from signing the Convention. The wording of the amendment, which met the wishes of countries, like his own, that could not accept the compulsory jurisdiction of the Court, was current in treaties and corresponded almost word for word to a similar provision in the Antarctic Treaty, signed in December 1959.²

Mr. De BAGGIO (United States of America) supported paragraph 1 of the USSR amendment, but could not support paragraph 2 in its present form. He thought that, although the wording was similar to that used in the Treaty on Antarctica, it should be stronger. As was well known, the United States favoured the referral of disputes to the International Court of Justice. Accordingly, he proposed that the words "with the consent in each case of all parties to the dispute" in the first sentence of paragraph 2 of the amendment should be deleted, together with the second sentence of the paragraph.

Mr. WIECZOREK (Poland) urged the United States representative to withdraw his sub-amendment, which completely changed the meaning of the USSR proposal. Indeed, instead of releasing the parties from the duty to accept the compulsory jurisdiction of the Court, which was the aim of the USSR text, it would, on the contrary, impose that obligation. The Conference had wished to strengthen the legal position of States in other articles, such as articles 44 and 45; it would be illogical to weaken it by forcing them to accept the compulsory jurisdiction of the Court. The Government of Poland was unable to accept that jurisdiction but it was ready to accept any provision which would strengthen the authority of the Court by an agreement between the parties to a dispute. He therefore supported the USSR amendment. It covered all possible solutions to a dispute and also left the parties free to decide whether they would accept the jurisdiction of the Court or not.

Mr. MAURTUA (Peru) said that he could support the USSR amendment with two slight changes to paragraph 1. He proposed that the words "of any kind" should be deleted and that the words "recourse to regional bodies" should be inserted after the word "arbitration", in the penultimate line.

Mr. KALINKIN (Union of Soviet Socialist Republics) accepted those changes.

Mrs. VELISKOVA (Czechoslovakia) supported the USSR amendment because it was in conformity with

² The Antarctic Treaty, Washington, D.C., 1 December 1959, Dept. of State publication 7060 (released September 1960).

the Statute of the International Court of Justice. If the last sentence of paragraph 2 was deleted, as the United States proposed, she would propose that the words "in accordance with its statute" should be inserted after the words "be referred" in paragraph 2.

Mr. GAE (India) said that the USSR amendment was generally acceptable to his delegation. He had some sympathy with the United States sub-amendment deleting the words "with the consent in each case [of all parties to the dispute]" in the first sentence of paragraph 2, for if it was necessary to await the consent of all parties to a dispute, there might be considerable delay and the Court might not be able to act. He proposed that if those words were not deleted, they should be replaced by the words "at the request of a party to the dispute", which appeared in the original text of article 55, and also in other international treaties, such as the Supplementary Convention on the Abolition of Slavery³ and the Convention on Genocide.⁴ The last sentence appeared to be unnecessary and he therefore supported its deletion.

The PRESIDENT invited the Conference to vote on the retention of the words "with the consent in each case of all parties to the dispute" in paragraph 2 of the USSR amendment.

Those words were rejected by 15 votes to 10, with 19 abstentions.

The PRESIDENT invited the Conference to vote on the retention of the second sentence of paragraph 2 of the USSR amendment.

That sentence was rejected by 17 votes to 9, with 11 abstentions.

The PRESIDENT invited the Conference to vote on the Czechoslovak sub-amendment.

The result of the vote was 13 in favour, 11 against and 13 abstentions.

The Czechoslovak sub-amendment was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT invited the Conference to vote on the USSR amendment as a whole, as amended.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) asked for a separate vote on paragraph 2. As the meaning had been completely changed by the adoption of the United States amendments, he wished to vote against it.

Paragraph 1 was adopted by 37 votes to none, with 2 abstentions.

Paragraph 2, as amended, was adopted by 27 votes to 7, with 8 abstentions.

The USSR text (E/CONF.34/L.21), as a whole, as amended, was adopted by 32 votes to 7, with 3 abstentions.

The meeting rose at 7.20 p.m.

THIRTY-SEVENTH PLENARY MEETING

Wednesday, 22 March 1961, at 11.15 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Article 56 (Reservations)

The PRESIDENT invited the Conference to consider article 56 and the amendments proposed by the USSR (E/CONF.34/L.31) and Canada (E/CONF.34/L.41).

Mr. LUTEM (Turkey) referred to General Assembly resolution 598 (VI) which recommended "that organs of the United Nations, specialized agencies and States should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them". That recommendation had been applied to several multilateral conventions and treaties. The Supplementary Convention on the Abolition of Slavery, 1956¹ and the Convention relating to the Status of Refugees, 1951² contained provisions excluding reservations. Some of the conventions prepared in 1958 by the United Nations Conference on the Law of the Sea³ provided that reservations to certain articles only would be accepted.

Some representatives thought that the Single Convention, being the result of many compromises, did not impose strict enough obligations. He feared that reservations might weaken it still further. They should be admissible only if not contrary to the purposes of the Convention. He approved of the Canadian delegation's amendment, which was a middle-of-the-road solution and so deserved to be taken as a model for later conventions.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that article 56 was imperfect and exceeded the usual scope of articles on reservations. It was largely concerned with transitional measures, fixing periods, for instance, within which the parties were to end the quasi-medical use of opium and coca leaf chewing. Legally, therefore, the provisions contained in paragraphs 2 to 6 were not true reservations. They were provisions which would cease to apply after a certain time. They should therefore be placed in a separate article, to follow article 52 and to form with it a section on transitional provisions. That was the purpose of the first of the USSR amendments. He would speak later on the second amendment.

U TUN PE (Burma) said that his government did not intend to make any reservations concerning Burma

³ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery, 7 September 1956; text in *United Nations Treaty Series*, vol. 266, p. 40.

⁴ Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December 1948; text in *United Nations Treaty Series*, vol. 78, p. 278.

¹ *United Nations Treaty Series*, vol. 266, p. 40.

² *Ibid.*, vol. 189, p. 137.

³ *United Nations Conference on the Law of the Sea, Official Records* (A/CONF. 13/38), United Nations publication, Sales No. 58. V. 4, vol. II, pp. 132-142.

proper, where the non-medical use of narcotic drugs had been banned since the end of the second world war. Yet there was one constituent part of the Union of Burma, the Shan State, where opium smoking was traditional and was still permitted. The number of opium consumers in the unadministered areas in the Shan State was not known, because they had not been registered, and registration would take at least two years. Throughout history, both under the Burmese kings and under British rule, the Shan State had enjoyed some autonomy and, at a conference at Panglong, the Sawbwas had agreed to join the Union of Burma, provided that their autonomous rights were respected. That was why chapter 9 of the Constitution of the Union of Burma recognized the autonomy of the Shan State, which had always had separate administrative policies, one of which was its opium policy. Under British rule it had been subject to different narcotic acts; the Shan State Opium Order had applied to the area west of the river Salween, and the area east of the river had been under local customary law. But in general the regulation of poppy growing and of the transport, export, import and sale of opium had been different from that in Burma proper. Because of that situation, the Shan State, then a British protectorate, had been excluded from the Geneva Convention, signed in 1925, and from the Bangkok Agreement.

Whereas the Shan State Opium Order of 1923 had prohibited the cultivation of opium west of the Salween River, it had been allowed by customary law east of the river, and opium produced in that area had been sold to all consumers in the Shan State under a system of licences. Licences had been sold annually, and the proceeds had made up a large part of the Shan State's revenue. Many hill tribes made their living by growing the opium poppy, which seemed to be the crop best suited to the soil and climate. The Shan State defrayed a large part of its administrative expenses from opium revenue. The immediate prohibition of the cultivation of the opium poppy would have serious political and economic consequences for the Shan State, unless another cash crop were first found for the people living east of the Salween River and unless ways of meeting the budget deficit caused by the loss of opium revenue were explored.

To avoid such an unfortunate situation the Shan State should be given a period of transition in the course of which it could change over from its existing opium policy to that laid down in the Single Convention. In the circumstances, a period of twenty years seemed necessary, because of the mountainous terrain, the very poor communications (which made administration excessively difficult) and the presence of insurgents and intruders.

During the period of transition, an alternative crop would have to be found for opium producers and another source of revenue for the State; for that purpose it would be useful if WHO and FAO could assist the Shan State. The Shan State Government was fully aware of its duties and responsibilities, both towards its own people and towards neighbouring countries. It was trying to solve the drug problem: it was not only applying the Shan State Opium Order, but had recently issued strong exe-

cutive instructions prohibiting the cultivation of the opium poppy west of the Salween River. Many seizures of drugs had been made within the State and smugglers were punished. If the Government were given sufficient time and aid, it would fulfil its obligations under the Single Convention. In the circumstances, he hoped that members of the Conference would give sympathetic consideration to his request for a period of transition.

Mr. CURRAN (Canada) agreed with the USSR representative that several provisions of article 56 were transitional. He was quite willing to agree that they should be separated from the reservations proper. The Conference had to choose between two opposite solutions: the absolute right to make any kind of reservation, and the effective right to veto which each party would have if the consent of all parties were required for the acceptance of a reservation. The solution proposed by Canada was half way between those two extremes. Although he hoped that very few reservations would be made, they should be provided for. The Conference had been able to settle difficult points on which opinions had been seriously divided, and he did not see what reservations could be made, apart from those covered by the transitional provisions of article 56. Complete freedom to submit reservations would lead to some confusion; reservations had to be acceptable to the majority of the parties. Canada proposed in its amendment that that majority should be fixed at three-fourths, but would be willing to reduce it to two-thirds. He recalled that the Canadian delegation had always tried to find as wide an area of agreement as possible, in order to replace the many multilateral treaties on narcotic drugs by one truly universal convention.

Mr. MAURTUA (Peru) also thought that it would be unwise to admit reservations which conflicted with the spirit of the Convention, and that a distinction should be made between reservations proper and transitional provisions in article 56. With regard to the problem of coca leaf chewing, for example, which was an ancient but not very harmful practice in certain South American countries, he said that the Commission on Narcotic Drugs, at its fourteenth session, had considered that a period of fifteen years would not be enough for the complete abolition of the practice, because suitable alternative crops would have to be introduced and the local people educated (E/3254, paras. 276 and 277). The transition involved real and considerable difficulties; he therefore proposed that the words "must cease" in paragraph 4 (e) should be replaced either by "may be forbidden" or by "shall be forbidden, as far as possible". The provisions in paragraphs 2 to 6, especially paragraph 4 (e), were transitional. If they were adopted as reservations, they could not be withdrawn automatically because they would constitute the expression of the sovereign will of a State.

Mr. ASLAM (Pakistan) agreed with the Canadian representative that there was much to be said in favour of the USSR proposal that the provisions of paragraphs 2 to 6 should be recognized as transitional and placed in a separate article. The Canadian proposal represented a satisfactory compromise which deserved the support

of the Conference. In his view, however, a simple majority was preferable to the three-fourths majority proposed in the Canadian amendment.

It had been stated at the Conference that communications from the Secretary-General sometimes received no answer. The first part of the third sentence of the Canadian amendment might perhaps be amended to provide that failure to reply within a period of one year would be deemed to constitute acceptance.

Mr. GAE (India) considered that the right to make reservations should be subject to certain limitations, particularly in the case of the Single Convention. He was therefore in favour of retaining paragraph 1 of article 56. He agreed with the USSR representative that paragraphs 2 to 6 were transitional provisions which could be treated as such and not as reservations.

The Canadian amendment raised an important point. It had been considered for a long time that reservations should be subject to the unanimous approval of the parties to a convention. However, in its advisory opinion on reservations to the Convention on the Prevention and Punishment of the Crime of Genocide⁴ the International Court of Justice had pointed out that that customary view was not universally recognized and had held that a State which had made and maintained a reservation which had been objected to by one or more of the parties to the Convention but not by others could be regarded as being a party to the Convention if the reservation was compatible with the object and purpose of the Convention. It should therefore be rendered impossible for a party to have the right to make any kind of reservation it wished, or for any party to prevent the accession of another party by its objection to a reservation. For those reasons he supported the compromise solution proposed by the representative of Canada.

Mr. LEDESMA (Argentina) associated himself with the Turkish representative's remarks, which were in conformity with the legal traditions of Argentina, and expressed approval of the principle laid down in paragraph 1. The Canadian amendment might make it impossible for States represented at the Conference to sign the Convention in time if reservations had to be accepted by three-fourths of the parties within a period of one year.

Mr. SHARP (New Zealand) supported the Canadian amendment because it made satisfactory provision for a procedure in respect of possible reservations. The clause whereby a reservation would be deemed to be accepted if accepted by three-fourths of the States which had signed or ratified the Convention was very wise. His delegation would have difficulty in accepting a reduction of that proportion to half, as had been suggested. No proportion less than two-thirds should even be considered.

Mr. ESTABLIE (France) said that he had no objec-

tion to the inclusion in the Convention of an article on reservations, but he thought that such an article would serve no useful purpose. If the figure of three-fourths was reduced to half, the provision in question would have little or no value. But even if the three-fourths majority was stipulated, how could that majority impose its will on the remaining fourth? Moreover, the reservations made would deal with certain specific points, and it should not be made impossible for a State to become a party to the Convention because of its attitude on one of those points. If a question of principle was involved, the decision taken by the three-fourths majority would assume a political character, which would be unfortunate, and if the point at issue was a practical one there would be no reason to prevent a State from making valid reservations regarding narcotics control. The question of reservations therefore seemed to have little practical importance. Since the Conference was attempting to ensure as wide a control of drugs as possible, it would be undesirable to prevent the participation of some States on the pretext that they did not accept some particular provision of the Convention.

Mrs. CAMPOMANES (Philippines) said that States were perfectly entitled to sign the Convention with reservations. Her delegation therefore supported the amendment proposed by Canada, while considering that the word "three-fourths" should be replaced by the word "two-thirds".

Mr. CURTIS (Australia) said that, except to the extent that reservations were expressly authorized, a State could only propose a reservation which was not acceptable if any party objected to it. His delegation could not agree that a State had the right to make any reservations it wished. In order to ensure the widest agreement possible and encourage ratification of the Convention, his delegation would accept the proposals in article 56 and the amendment of Canada.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said he was glad to note that the first of the USSR amendments to article 56 had not met with any objection. If that amendment was approved by the plenary conference the discussion would be considerably shortened.

With regard to the second of his delegation's amendments, he said that the question of the legal consequences of reservations to a multilateral convention was one of the most complex in international law. A great many international treaties, including some concluded under the auspices of the United Nations, did not include provisions relating to reservations. For example, two of the conventions prepared by the United Nations Conference of 1958 on the Law of the Sea did not contain reservations clauses. Nor were there any reservations clauses in the existing conventions on narcotic drugs. Some States had made reservations when signing the 1925 and 1931 Conventions, but no difficulty had resulted and those conventions had lost none of their effectiveness on that account.

In 1951 the International Court of Justice had given

⁴ Convention in *United Nations Treaty Series*, vol. 78, p. 278; Advisory Opinion in *ICJ Reports*, 1951.

an advisory opinion on reservations to a multilateral convention; according to that opinion parties could make reservations with regard to a multilateral convention and they also had the right to make objections to such reservations. Subsequently the General Assembly had adopted resolution 598 (VI) in which it requested the Secretary-General, in relation to reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, to conform his practice to the advisory opinion of the Court and, in respect of future conventions concluded under the auspices of the United Nations of which he was the depositary, to continue to act as depositary in connexion with the deposit of documents containing reservations or objections, without passing upon the legal effect of such documents, and to communicate the text of such documents relating to reservations or objections to all States concerned, leaving it to each State to draw legal consequences from such communications. Thus, the International Court of Justice and later the General Assembly had recognized the admissibility of reservations to multilateral conventions. The absence of an article concerning reservations would not impair the objectives of the Convention and would simplify the situation; on the other hand, the insertion of such an article would be bound to give rise to a wide divergence of views and so delay the ratification of the Convention.

The Canadian representative had recognized that, after all the efforts made by representatives for the establishment of a convention acceptable to all, it was unlikely that many States would find it necessary to make reservations on the substance of the Convention. Nevertheless, that representative had also expressed the view that, if the Convention did not contain an article on reservations, confusion might result. The two statements seemed contradictory. There was no reason to doubt the intentions of the Canadian delegation in submitting its amendment, but if it was adopted it would mean that a reservation could be accepted only if a specified majority of States gave their assent within one year. Parties wishing to make a reservation would therefore have to wait a year for the reaction of the other parties. Moreover, if any State wished to make a reservation to the Convention it would, according to the Canadian proposal, first have to seek the permission of other States. No self-respecting country could agree to such a procedure. The effect of the Canadian amendment would be to deprive States of the universally recognized right to make reservations to a multilateral convention. It was of course true that the reservations in question should be compatible with the object and purpose of the Convention; that was an accepted rule in international law and there was no need to reaffirm it in the Convention. Such reservations could deal only with certain specific points.

If the entry into force of the Convention depended on the acceptance by a certain group of States of reservations which might be made, a State wishing to make a reservation on a specific point would find it more difficult to accede to the Convention. It was possible that while a large number of parties accepted that reservation, one group of States might object to it, and in

that case, under the Canadian proposal, that group of States could prevent the accession of the State concerned, although other parties to the Convention might be in favour of its accession. Accordingly, the Canadian proposal could only make it more difficult for States to accede to the Single Convention, whereas the absence of any provision relating to reservations would have the effect of making it easier, as had been proved in the past fifty years by the implementation of various conventions on narcotic drugs.

Mr. VERTES (Hungary) thought it would be advisable to authorize temporarily the use of certain drugs for medical purposes in territories where such a practice was customary. For that reason paragraphs 2 to 6 should form a separate article to be placed in a separate section of the Convention entitled "Transitional provisions".

As a general principle, States should be permitted to make reservations to the Convention, provided that they were not incompatible with its purposes. The advisory opinion of the International Court of Justice was categorical on that point.

His delegation therefore supported the USSR amendment.

Miss VELISKOVA (Czechoslovakia) said that international law authorized States which had signed a convention to make reservations, so that they might undertake international obligations in the light of their own special circumstances; moreover, the system of reservations was based on the principle of the legal equality of States and the need to encourage international co-operation. The International Court of Justice in its advisory opinion on the Genocide Convention and the General Assembly in its resolution 598 (VI) had recognized the admissibility of reservations to multilateral conventions, a rule which had moreover been confirmed by General Assembly resolution 1452 (XIV). She therefore supported the USSR amendment.

Mr. CURRAN (Canada) said he was surprised at the view expressed by the French representative. It seemed illogical, after insisting that the 1936 Convention should be kept in force and advocating that traffic in narcotics should be controlled as strictly as possible, to suggest that all reservations without exception should be admissible.

It was to be hoped that there would be no reservations to the Single Convention, but if there were any they should not be allowed to weaken the instrument. They should therefore be acceptable only subject to certain conditions, so that any which were incompatible with the Convention could be refused. It was illogical to refer to earlier conventions, for the Conference was dealing with a completely new agreement which should not in principle create any difficulties for any of the parties, since it took into account the circumstances of each; if the Convention had any defects there was still time to remedy them. But a State wishing to become party to a convention should not be allowed to make reservations which would bind other parties and would, as it were, impose on them a unilateral obligation; the only reservations possible should be those which were authorized.

He was willing to accept some changes in his delegation's amendment and had no objection to placing the transitional provisions in a separate section.

Mr. ESTABLIE (France) said that there was nothing contradictory in the position he had taken, in view of the nature of the choice offered. Actually, the question was highly academic and his delegation was not opposed to the insertion in the Convention of an article on reservations although it did not consider such an article useful. If France ratified the Convention it would do so without reservations.

Mr. BITTENCOURT (Brazil) said that, ideally, the Convention should not give rise to any reservations, but that was not likely to be the case. He therefore considered that the Canadian amendment was a satisfactory compromise, on condition that the majority required was a two-thirds majority. He pointed out that the International Court of Justice had adopted its advisory opinion on reservations to the Genocide Convention by the small majority of 7 votes to 5. The International Law Commission had stated its belief that the criterion of the compatibility of a reservation with the object and purpose of a multilateral convention, applied by the International Court of Justice to the Convention on Genocide, was not suitable for application to multilateral conventions in general (A/1858, para. 24).

The meeting rose at 1.10 p.m.

THIRTY-EIGHTH PLENARY MEETING

Wednesday, 22 March 1961, at 3.10 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) *(continued)*

Article 56 (Reservations) (continued)

The PRESIDENT invited the Conference to continue its discussion of article 56 and the amendments submitted thereto by the USSR (E/CONF.34/L.31) and Canada (E/CONF.34/L.41).

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) supported the USSR amendment, which was in accordance with normal treaty procedure.

Mr. KOCH (Denmark) also supported that amendment. The provisions referred to were obviously transitional and were out of place in article 56.

The PRESIDENT put the USSR amendment to the vote.

The USSR amendment (E/CONF.34/L.31) was adopted by 33 votes to none, with 9 abstentions.

Mr. GREEN (United Kingdom) said that the Canadian amendment (E/CONF.34/L.41) was in principle acceptable to his delegation, because it considered that

the Convention should contain some provision which would allow the parties to make reservations but would at the same time restrict the subjects on which reservations could be made without the consent of the other parties. However, some delegations thought that reservations should not be subject to acceptance by a majority of the other parties. In reality, such reservations would apply to only a small number of articles. He therefore proposed that a new clause should be added to the Canadian text, modelled on paragraph 7 of the original text—namely, "Any State may at the time of signature or acceptance also make reservations in respect of the following provisions:" The provisions to be enumerated were: "article 20, paragraphs 2 and 3; article 21, paragraph 2; article 22, paragraphs 1 and 2; article 42, paragraph 1 (b); article 55 and the transitional provisions under article 56".

Mr. CURRAN (Canada) said that although he appreciated the effort made by the United Kingdom representative to reach a compromise, he would not be able to vote for the proposal on the absence of instructions from the Canadian Government. However, he did not wish to oppose the compromise proposal and would therefore abstain on it.

In answer to a question from Mr. BITTENCOURT (Brazil), the PRESIDENT confirmed that if the United Kingdom compromise proposal was adopted, namely the Canadian text with the addition proposed by the United Kingdom, paragraph 1 of article 56 would be retained in its original form.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that the Canadian amendment would raise certain practical difficulties. If, for instance, ten States signed the Convention on the first day, three-fourths of those original States, in other words seven or eight, would be entitled not to accept the reservations of States which signed the Convention later. If the proportion was reduced to half, as had been suggested at the previous meeting, five or six States would be able to prevent future accession to the Convention by refusing to accept reservations. To give such power to a few States was not at all in keeping with the position taken up by the Canadian representative throughout the Conference. The Byelorussian delegation would vote against the Canadian amendment.

Mr. MAURTUA (Peru) asked whether the transitional provisions in paragraph 4 of article 56 would be subject to the procedure described in the Canadian text or would be covered by the United Kingdom amendment.

Mr. GREEN (United Kingdom) said that the procedure described in the Canadian text would not apply to the provisions he had mentioned, which included the transitional provisions. Reservations to those provisions would become effective without the approval of the other parties.

Mr. ESTABLIE (France) said that he had serious doubts about the Canadian amendment. The Byelorussian representative had drawn attention to some of

the difficulties raised by the procedure it indicated, and there were others. Many States might sign the Convention without intending ever to ratify it, as had happened in the case of the 1953 Protocol. It would be quite unreasonable to allow States which had merely signed the Convention to object to reservations made by States which seriously wished to ratify it. On the other hand, States which had ratified the Convention and therefore intended to apply it, were entitled to make objections to reservations by other States. He therefore proposed that the words "signed or" should be deleted from the second sentence of the Canadian text; the passage would then read "... States which have ratified this convention..."

Mr. RODIONOV (Union of Soviet Socialist Republics) supported the United Kingdom amendment, which would meet the difficulties of many delegations.

Mr. BANERJI (India) also supported the United Kingdom proposal. He assumed that reservations could be made either at the time of signature or at any time before ratification.

The PRESIDENT confirmed that view.

Mr. KOCH (Denmark) said that his delegation had had many doubts about the subject of reservations to the Convention. If reservations were permitted, the Convention would be weakened, and it would therefore be preferable to achieve a satisfactory compromise on the different provisions. As the Conference had consistently striven to achieve that result, reservations should not be permitted. However, if the impossibility of making reservations should prevent certain States from signing the Convention and co-operating in the international control system, it would obviously be preferable to allow them to make reservations. He concurred in the view expressed by the French representative at the previous meeting that the question of reservations was highly theoretical.

He had had serious doubts as to whether the procedure outlined in the Canadian text was practical. He would, however, be able to vote for it, as modified by the United Kingdom proposal.

Mr. KENNEDY (New Zealand) supported the United Kingdom compromise proposal.

Mr. ESTABLIE (France) said that even if his own proposal for deleting the words "signed or" was adopted, the Canadian text still remained very unclear. What would be the position during the period after the Convention had been ratified by a number of States and before it finally came into force?

The PRESIDENT suggested that the words "signed or ratified" should be replaced by the words "ratified or acceded to".

Mr. CURRAN (Canada) said that he could not see that any practical difficulties were raised by his text. It was normal that States which had reservations should communicate them to the other parties. If they were to be communicated only to the States which had ratified the Convention, there would be considerable delay. He had included the words "signed or ratified" on the

assumption that the States most interested would be the first to sign. It would weaken the Convention if the words "signed or ratified" were replaced by the words "ratified or acceded to". He therefore opposed the French delegation's proposal and could not accept the President's suggestion.

Mr. LEDESMA (Argentina) supported the French delegation's proposal.

If the text read "ratified or acceded to", there would be no period of uncertainty as the French representative feared.

The PRESIDENT invited the Conference to vote on the words "signed or" in the Canadian text.

By 10 votes to 4, with 21 abstentions, it was decided that the words "signed or" should not be retained.

Mr. CURRAN (Canada) said that, in deference to suggestions that had been made at the previous meeting, he wished to replace the word "three-fourths" in his text by "two-thirds".

The PRESIDENT invited the Conference to vote on the Canadian text as amended, with the United Kingdom proposal.

The Canadian text (E/CONF.34/L.41), as amended, with the United Kingdom proposal, was adopted by 32 votes to 1, with 14 abstentions.

Mr. WATTLES (Office of Legal Affairs) said that one question had to be settled: would the acceptance of reservations have to be express or could it be tacit? Also, since the Canadian text had been radically changed by the deletion of the words "signed or", the proviso "provided, however, that after the coming into force, etc." had become superfluous. However, that was purely a drafting matter.

The PRESIDENT said it was his understanding that the acceptance should be express.

Mr. BELONOGOV (Union of Soviet Socialist Republics) explained that though his delegation had voted in favour of the United Kingdom proposal, it was still critical of the first part of article 56. Nor should his delegation's vote be interpreted as approval of the specific reference to the Secretary-General, instead of to the Secretariat.

Mr. CURRAN (Canada) said that his delegation had abstained in the vote, because, as he had stated earlier, it had no instructions concerning the second part of the proposal.

The PRESIDENT pointed out that no decision had yet been taken on paragraph 1 of article 56.

Mr. BELONOGOV (Union of Soviet Socialist Republics) said that as article 56 had been greatly shortened by the decisions, it was hardly necessary to retain paragraph 1, which the adoption of the United Kingdom proposal had made superfluous.

Mr. CURTIS (Australia) said that there was a very important element in paragraph 1. The Conference would have to decide whether reservations were to be the excep-

tion or the rule. According to paragraph 1, they would be the exception, and it was important to retain that paragraph now that it had been decided which reservations would be permitted.

Mr. GREEN (United Kingdom) supported that view.

The PRESIDENT said that, according to the decision taken by the Conference, reservations could be made in two ways, either in accordance with the procedure outlined in the original Canadian text or with that set forth in the additional clause proposed by the United Kingdom. He suggested that the matter should be left to the drafting committee, since the principle involved was clear.

It was so agreed.

Mr. MAURTUA (Peru) recalled that at the 37th plenary meeting his delegation had proposed that in paragraph 4 (e) some such phrase as "if possible" should be inserted before the words "within twenty-five years".

Mr. BITTENCOURT (Brazil) said that twenty-five years was a long period; like periods had been conceded on previous occasions to the countries concerned for the eradication of the coca-chewing habit. If the words "if possible" were inserted, then the period stipulated should be shortened.

Mr. MAURTUA (Peru) pointed out that, in the Commission on Narcotic Drugs, a time limit of fifteen years had originally been proposed to which a number of delegations had objected in view of the serious economic and social problems that would be entailed by the abrupt suppression of the long-standing habit. The Commission's report on its fourteenth session stated that, upon the recommendation of the Commission and taking into consideration the important and complicated economic and social questions involved, the Economic and Social Council had recommended that the governments concerned continue their efforts to abolish progressively the habit of coca leaf chewing (E/3254, para. 275). Peru had been applying a series of measures aimed at eradicating the habit, and the Peruvian Government had itself requested an international investigation on the subject in the country. Since so many different factors were involved, such as public health education, nutritional standards and wages, the period of twenty-five years was too arbitrary; governments should be left to deal with the problem in their own way.

Mr. LEDESMA (Argentina) agreed with the representative of Peru. Despite the efforts that governments were making to eradicate the habit, it was impossible to foresee how long it would take.

Mr. AZARAKHSH (Iran) said that twenty-five years was a very long period; if the words "if possible" were added, there would be virtually no time limit. He therefore supported the suggestion of the representative of Brazil.

Mr. CURRAN (Canada) considered that twenty-five years was an ample period in which to implement the various measures necessary for eliminating the habit.

Besides, such a time limit was in the interests of the countries concerned themselves.

Mr. CURTIS (Australia) inquired whether, in the light of the decision taken by the Conference concerning reservations, it was open to any party to make a reservation in respect of any of the transitional provisions under discussion.

The PRESIDENT said that it was.

Mr. MAURTUA (Peru) withdrew his proposal for the addition of the words "if possible" and proposed instead that the word "must" should be replaced by the word "may".

The Peruvian proposal was rejected by 21 votes to 5, with 17 abstentions.

The PRESIDENT invited the members of the Conference to consider article 56, paragraph 4 (d).

Mr. ASLAM (Pakistan) proposed that the time limit to be inserted in the paragraph should be fifteen years.

U TUN PE (Burma) proposed that it should be twenty years.

Mr. BITTENCOURT (Brazil) said that although Brazil did not recognize the quasi-medical use of opium and had originally suggested ten years as a time limit, his delegation would support the proposal of Pakistan, so as to keep the time limit as short as possible.

The proposal of the delegation of Pakistan was adopted by 27 votes to 2, with 14 abstentions.

The PRESIDENT invited debate on paragraph 4 (f).

Mr. CURRAN (Canada) said that the provision might be deleted, since it was proposed to place cannabis among the prohibited drugs in schedule IV (E/CN.7/AC.3/9/Add.1). Cannabis was subject to domestic as well as to international control, and might have medical uses. The retention of the provision might therefore lead to some confusion.

Mr. BANERJI (India) doubted whether the provision could be deleted altogether, since it was a traditional, although diminishing, practice in some countries to consume a form of cannabis. It might be difficult to time economic and administrative efforts to eradicate the practice, and he thought that it should be allowed to continue for the same period as was provided for coca leaf chewing. He would not object to a clause providing that the use should be discontinued as soon as possible, and in any case within a period not exceeding twenty-five years.

Mr. KRUYSSSE (Netherlands) said that if the whole provision were retained, some provision should be made for the use of cannabis for medical purposes, since it was included in schedule IV. He therefore proposed the insertion of the words "medical and" before the words "scientific purposes".

Mr. LANDE (Deputy Executive Secretary) explained that some non-medical uses of cannabis were still permitted in some countries. From the administrative and social point of view, the problem was too complex to

permit an immediate solution. Therefore, to make it possible for the countries concerned to ratify the Convention, it would be advisable to allow a certain period of grace before the complete prohibition of the practice.

Mr. LEDESMA (Argentina) proposed that some provision should also be made for the use of cannabis for industrial purposes.

Mr. AZARAKHSH (Iran) thought that the term "scientific purposes" might perhaps be regarded as including medical purposes. He did not think any reference to industrial purposes was required, since industry used only the cannabis plant and not the drug cannabis.

Mr. RAJ (India) considered that the addition of the words "medical and" were necessary, since in articles 2 and 3 reference was consistently made to the use of drugs for purposes "other than medical or scientific purposes".

Mr. WATTLES (Office of Legal Affairs) said that it would be useful to insert the words "medical and" since those purposes were generally recognized in the Convention. So far as industrial purposes were concerned, he pointed out that as defined in article 1 "cannabis" was a drug. There were no industrial uses for that drug, but only for the hemp plant.

Mr. LEDESMA (Argentina) said that he would not press his proposal.

The PRESIDENT asked whether the Conference agreed to the proposal that the words "medical and" should be added before the words "scientific purposes".

The proposal was adopted unanimously.

The PRESIDENT invited the Conference to consider a suitable time limit for the discontinuance of the uses of cannabis.

He recalled that there had been a proposal to insert the words "as soon as possible, but in any case within twenty-five years".

He invited the Conference to vote on the proposal.

The proposal was adopted by 29 votes to none, with 10 abstentions.

The PRESIDENT invited the Conference to consider the date to be inserted in paragraph 4 (a).

Mr. CURRAN (Canada) proposed that the date of "1 January 1961" should be inserted.

It was so agreed.

The PRESIDENT invited the Conference to consider the date to be inserted in paragraph 4 (c).

U KYIN (Burma) said that his government had not been able to register opium-smokers in the Shan States, because of the fighting there, and it would need at least two years to do so. He therefore proposed that the date "31 December 1963" should be inserted.

Mr. KRUYSSSE (Netherlands) suggested that "1 January 1964" would be preferable.

U KYIN (Burma) accepted that suggestion.

Mr. CHA (China) said that he appreciated the diffi-

culties of the situation in Burma, but suggested that it could be dealt with by means of a reservation, since, as the President had indicated, reservations could be made with respect to the transitional provisions. In order to discourage opium smoking, it would be better to fix as early a date as possible.

Mr. WATTLES (Office of Legal Affairs) said that difficulties might arise unless the date specified were later than the date of the Convention's entry into force, which might be after 31 December 1963, because in that case any person registered as a smoker would cease to be so registered immediately on the Convention's entry into force. The earliest date set should be that of the Convention's entry into force.

The PRESIDENT suggested that the Conference should vote on whether the words "on the day this Convention enters into force but not before 1 January 1964" should be inserted in paragraph 4 (c).

It was decided to insert those words by 25 votes to none, with 16 abstentions.

Mr. KOCH (Denmark) proposed that the Conference should reconsider its decision on the Canadian amendment (E/CONF.34/L.41). Paragraph 7 as drafted by virtue of that decision provided that a reservation would be communicated to the States which had ratified the Convention at the time when the reservation was made and that those States would have the power to accept or reject it. But conceivably, only three States might have ratified the Convention at the time when a reservation was made, in which case two States would have the power to accept it, and all States wishing to ratify the Convention at a later date would have to acquiesce in that decision. Accordingly, he proposed that the text adopted should be revised by the drafting committee so as to provide that the final decision on a reservation should be made by two-thirds of the States which ratified or acceded to the Convention within the period of one year allowed for the consideration of the reservation in question. The third sentence of the Canadian text might be amended to state that if a reservation was accepted by two-thirds of the States which had ratified the Convention before the expiry of one year from the date of the communication, the reservation would be deemed to be accepted.

The PRESIDENT put to the vote the Danish representative's proposal that the Conference should reconsider its decision on the Canadian amendment.

The proposal was adopted by 13 votes to 5, with 23 abstentions.

The PRESIDENT put to the vote the principle of the Danish representative's proposal regarding the text of paragraph 7. The exact wording could be left to the drafting committee.

The principle was adopted by 19 votes to 1, with 20 abstentions.

Mr. ADJEPONG (Ghana) said that he had voted against the proposal because his government had said it would only ratify the Convention if it was acceptable

to the majority of the States participating in the Conference.

The PRESIDENT put to the vote paragraphs 2 to 6 and paragraph 8 of article 56 as a whole.

The paragraphs were adopted by 36 votes to none, with 5 abstentions.

Article 57 (Notifications)

The PRESIDENT suggested that the article should be referred to the drafting committee.

It was so agreed.

Mr. WATTLES (Office of Legal Affairs), in reply to a question by Mr. BITTENCOURT (Brazil), said that the attestation clause referred to governments, not States, because that was the general practice in instruments prepared under the auspices of the United Nations.

Article 1 (Definitions)

The PRESIDENT said that, in keeping with the timetable (E/CONF.34/C.1/L.1), the Conference had reached the stage at which it should consider article 1. He drew attention to the technical committee's report (E/CONF.34/11, part II) and to the Indian delegation's amendments (E/CONF.34/L.39).

Mr. RAJ (India), introducing his delegation's amendments, said that their object was to bring the definitions in article 1 into line with the decisions taken by the Conference. The deletion of the words "leaves or" from the definition of cannabis adopted by the technical committee was merely a consequential change in view of the decision of the Conference.

Mr. AZARAKHSH (Iran) pointed out that, although considering that cannabis leaves should not be included in the definition of cannabis, the appropriate *ad hoc* committee had nevertheless considered them sufficiently addiction-producing to require measures to prevent their finding their way into the illicit traffic. Article 39, paragraph 3, as revised (E/CONF.34/15/Add.1), contained a special provision to that effect. If cannabis leaves were dangerous enough to require control, they should be placed in one of the schedules.

Secondly, if the leaf was to be considered apart from the rest of the plant, a clear definition of it should be given. It would not be enough, for instance, to base it on the technical committee's definition of the cannabis plant; a definition such as "cannabis leaves" means the leaves of any plant of the genus cannabis" would be far too vague.

Mr. LANDE (Deputy Executive Secretary) said that there was no doubt that some cannabis leaves could be misused, but there was nothing in the Convention to prevent countries from applying controls to them. Separate control measures for the leaves were provided for in article 39, paragraph 3 (E/CONF.34/15/Add.1), in general terms. If leaves were to be included in the definition in article 1, a change would have to be made in article 39, paragraph 3, and a provision would have to be inserted in the article on reservations to meet the special position of India and Pakistan.

Mr. CHIKARAISHI (Japan) supported the Iranian representative's proposals. The leaves were used to prepare an innocuous drink in India and Pakistan, but they were undoubtedly addiction-producing. That being so, changes should be made, not only in article 39, paragraph 3, but also in article 56, paragraph 4(f), which the Conference had just adopted.

The PRESIDENT said it would be undesirable to reopen the discussion of provisions which had been adopted.

Mr. KRUYSSSE (Netherlands) agreed. He could not support the proposals of the representatives of Iran and Japan, which were quite unnecessary for there was nothing to prevent countries from imposing strict controls if they so wished.

Dr. MABILEAU (France) supported the Netherlands representative's view, although he sympathized with the Iranian representative's views. It would be difficult to frame a definition of cannabis leaves which would satisfy all delegations and it was too late to reopen a question which had been exhaustively discussed.

Dr. HALBACH (World Health Organization) said that the solution might be quite simple. If the deletion proposed by India was approved, the words "and leaves" could be inserted after the words "excluding the seeds" in the technical committee's definition of cannabis.

The PRESIDENT invited the Conference to vote on the retention of the words "leaves or" in the technical committee's definition of cannabis.

The result of the vote was 15 in favour and 13 against, with 13 abstentions.

Those words were not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT put to the vote the WHO representative's suggested amendment.

The amendment was adopted by 17 votes to 3, with 15 abstentions.

Mr. DANNER (Federal Republic of Germany) proposed the deletion of the passage following the words "Schedules I and II" in article 1 (k).

In reply to a question from Mr. KRUYSSSE (Netherlands), Mr. LANDE (Deputy Executive Secretary) confirmed that the provision contained in article 3, paragraph 3 (iii) (E/CONF.34/21), constituted an adequate safeguard.

The proposal was adopted.

Dr. MABILEAU (France) suggested the deletion of the words "or described" at the beginning of article 1 (k).

The suggestion was adopted.

Article 1 (k), as amended, was adopted.

Mr. RAJ (India) said that his delegation's amendment to article 1 (g) was necessary, because it was not clear from the draft that the word "manufacture" also covered the physical transformation of drugs.

Mr. DANNER (Federal Republic of Germany) supported the amendment.

Mr. LANDE (Deputy Executive Secretary) pointed out that there would be far-reaching effects on the draft Convention if any physical manipulation of drugs was to be regarded as coming within the meaning of the term "manufacture". The definition of "manufacture" as given in the third draft was not completely satisfactory, but if the Indian amendment was adopted, more difficulties would arise.

Mr. KRUYSSSE (Netherlands) agreed with the Deputy Executive Secretary. While not entirely satisfied with the definition as it stood, he thought it should remain unchanged.

Mr. RAJ (India) said that the 1931 Convention distinguished between "manufacture" and "conversion" (article 1, paragraph 4). His concern was to ensure that control could be exercised over someone obtaining, for example, bulk supplies of morphine and freely converting them into tablets and ampoules.

Mr. DANNER (Federal Republic of Germany) thought that the definition of "manufacture" would be incomplete without the addition of the words proposed by the Indian delegation.

Mr. KRUYSSSE (Netherlands) considered that the manufacture of preparations was covered by article 40, paragraph 1.

The PRESIDENT put to the vote the Indian amendment to article 1 (q).

The Indian amendment was rejected by 20 votes to 2, with 22 abstentions.

Mr. LANDE (Deputy Executive Secretary) suggested the deletion of the words "which are intended for use in the manufacture of opium alkaloids" in article 1 (v).

Mr. VERTES (Hungary) thought that the provision should refer to poppy straw in the dry state as it entered international trade.

The PRESIDENT suggested that the drafting committee should be asked to prepare a definition of poppy straw in the light of the views just expressed.

It was so agreed.

The PRESIDENT said that the Secretariat had suggested the deletion of article 1 (aa) because the latest draft of the Convention no longer mentioned synthetic drugs.

Dr. MABILEAU (France) thought that the definition should be retained. More and more synthetic drugs which were addiction-producing were coming into the market and it seemed illogical, therefore, not to define the term.

Mr. GREEN (United Kingdom) said there was no point in defining a term which was not used in the Convention.

The PRESIDENT invited the Conference to vote on the retention of article 1 (aa).

The result of the vote was 16 in favour and 18 against, with 9 abstentions.

The provision was not retained, having failed to obtain the required two-thirds majority.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that the word "Secretariat" should be substituted for the word "Secretary-General" in article 1 (y) and throughout the Convention. His delegation did not recognize the Secretary-General.

Article 1 as a whole, as amended, was adopted by 35 votes to none, with 11 abstentions.

Preamble

The PRESIDENT said that two drafts of a preamble had been submitted, one by Brazil, Canada, France, Ghana, India, and Poland (E/CONF.34/L.33) and the other by the Netherlands, Pakistan and the United States of America (E/CONF.34/L.42).

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, suggested that the drafting committee should use the draft preamble proposed by the six delegations as a basic document and incorporate any new ideas from the other proposed draft, where appropriate.

Mr. KRUYSSSE (Netherlands) said that the sponsors of the second draft preamble would agree to the procedure suggested by the Canadian representative.

Mr. RODIONOV (Union of Soviet Socialist Republics) expressed a preference for the first of the two drafts because it emphasized the social evil of drug addiction.

Mr. MAURTUA (Peru) said that there were defects of form and substance in both draft preambles. For example, the reference to "moral welfare" (E/CONF.34/L.33) was inappropriate since the Convention was more concerned with the health of mankind. The passage "Recognizing, however" might give the impression that the medical use of narcotic drugs mentioned in the preceding paragraph produced drug addicts. In the three-power draft preamble (E/CONF.34/L.42) the first paragraph was unnecessary and in the third paragraph the term "consolidate" should be used rather than "codify".

Miss VELISKOVA (Czechoslovakia) said that the word "States" was used at the beginning of the first draft preamble (E/CONF.34/L.33). The contracting parties could be either States or governments. Under the Constitution of the Czechoslovak Socialist Republic, the power to conclude treaties such as the present convention was vested in the President, and not in the Government. The Convention would, therefore, be signed on behalf of the President and not on behalf of the Government.

The meeting rose at 6.55 p.m.

THIRTY-NINTH PLENARY MEETING*Thursday, 23 March 1961, at 11.15 a.m.*

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

The PRESIDENT drew attention to the consolidated redraft of a number of articles prepared by the drafting committee (E/CONF.34/21), and invited debate on specific articles.

*Article 42 (International trade) (resumed from the 16th plenary meeting)**Paragraph 1*

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he could not support paragraph 1, particularly sub-paragraph 1 (b), because its provisions were unfair to States which had not been invited to the Conference and had therefore been unable to participate in the discussion of the Convention.

Paragraph 1 as prepared by the drafting committee was adopted by 28 votes to 8, with 3 abstentions.

Article 42 as a whole, as prepared by the drafting committee, was adopted by 26 votes to 8, with 3 abstentions.

*Article 3 (Changes in the scope of control) (resumed from the 15th plenary meeting)**Paragraphs 8 and 9*

In reply to a question from Mr. CURRAN (Canada), the PRESIDENT said that the drafting committee should remove the obvious inconsistency in paragraph 9 and indicate that the decisions of the Commission referred to in that paragraph were subject to the review provided for in paragraph 8.

Subject to that drafting change, paragraphs 8 and 9 as prepared by the drafting committee were adopted by 30 votes to none with 10 abstentions.

Article 3 as a whole, as prepared by the drafting committee, was adopted by 32 votes to none, with 8 abstentions, subject to the said drafting change.

Article 42 bis (Special provisions concerning the carriage of drugs in first-aid kits) (resumed from the 16th plenary meeting)

Mr. ISMAIL (United Arab Republic) said that there should be no reference to "railway trains" in article 42 bis. Not only were the distances between stations relatively short, but it was also difficult to apply effective control and security measures on trains and there was in fact no reason for keeping narcotics on trains. He accordingly proposed the deletion of the words "railway trains" from the title and paragraph 1 of the article.

Mr. De BAGGIO (United States of America) supported that proposal. It was pointless to provide for first-aid kits on goods trains and besides railway trains could hardly be said to have a "country of registry".

Mr. DANNER (Federal Republic of Germany) also supported the proposal of the representative of the United Arab Republic.

The Conference decided by 19 votes to 1, with 11 abstentions, to delete the words "railway trains".

Article 42 bis as drafted by the drafting committee, as amended, was adopted by 36 votes to none, with 5 abstentions.

*Article 11 (Functions of the Commission) (resumed from the 31st plenary meeting)**Paragraph (b)*

Mr. CURRAN (Canada) said that paragraph (b) might be deleted in view of the changes made in other parts of the Convention.

Mr. KRUYSSSE (Netherlands) proposed the deletion of paragraph (b).

The Conference decided by 31 votes to none, with 10 abstentions, that paragraph (b) should be deleted.

Paragraph (c)

The PRESIDENT said it had been suggested that paragraph (c) might be deleted.

Mr. CURRAN (Canada) said that paragraph (c) involved some difficulties of interpretation and, in view of the provisions of articles 27 and 28 of the Convention, was superfluous.

Mr. ACBA (Turkey) proposed that the paragraph should be deleted, for it was a possible source of misunderstandings.

Mr. KRUYSSSE (Netherlands) thought that the Commission should have the right to consider the recommendations of the Board for the amendment of the list of items in respect of which parties were required to furnish estimates under articles 27 and 28. In connexion with the control of international trade in narcotic drugs, the necessary safeguards should be provided and a special amendment procedure laid down. For that reason, responsibility for taking such a decision should not be left to the Board alone. In the circumstances, his delegation considered that paragraph (c) should be retained.

Mr. RODIONOV (Union of Soviet Socialist Republics) supported the proposal that paragraph (c) should be deleted. The paragraph was superfluous and might lead to difficulties. The Netherlands representative's misgivings were groundless since under articles 27 and 28 of the Convention (third draft) the Board was empowered only to determine the manner and form in which the parties would furnish the statistical returns for each of their territories, with the further safeguard that its decision was to be subject to the Commission's approval. It would not be empowered to amend the list of items on which the parties were required to furnish estimates and statistics.

Mr. GREEN (United Kingdom) said that the provisions of the Convention should be flexible enough to enable the Board, if necessary, to amend the list of items in respect of which parties were required to furnish data. If the Conference had had time, it would certainly have been able to draft paragraph (c) in terms making

that point clear. However, it was too late to do so and, in view of the disagreement concerning paragraph (c) as drafted by the drafting committee, his delegation would not press for its retention.

Dr. MABILEAU (France) agreed with the United Kingdom representative that the provisions of the Convention relating to that subject should not be too rigid. In any event it was important not to reintroduce ideas already rejected by the Conference.

Mr. CURRAN (Canada) suggested that paragraph (c) might be amended slightly to read "On the recommendation of the Board, to amend the form and content of the items..."

Mr. RODIONOV (Union of Soviet Socialist Republics) did not think that such a provision was necessary, as it would overlap with articles 27 and 28.

The PRESIDENT, noting that the Canadian representative did not press for a vote on his suggestion, put to the vote the proposal that paragraph (c) of article 11 should be deleted.

The Conference decided by 27 votes to 1, with 16 abstentions, that paragraph (c) should be deleted.

Mr. KRUYSSSE (Netherlands) explained that he had abstained in the vote because the Canadian representative's suggestion appeared to indicate that the position was not completely clear, as the expression "the form and the content of the item" did not mean the same as the words "a list of items".

The PRESIDENT put to the vote article 11 as a whole.

Article 11 as a whole, as drafted by the drafting committee, as amended, was adopted by 40 votes to none, with 4 abstentions.

Article 2 (Substances under control) (resumed from the 14th plenary meeting)

Paragraph 9

Paragraph 9 was adopted by 38 votes to 1, with 5 abstentions.

Paragraph 10

Mr. CURRAN (Canada) drew attention to the drafting committee's footnote to the paragraph. If the passage reproduced in the footnote became part of article 1 (Definitions), then it would be possible to dispense with paragraph 10 in article 2.

Mr. DANNER (Federal Republic of Germany) noted that the retention of paragraph 10 in article 2 would lead to serious legislative difficulties in his country when it became necessary to place new substances under international control. He therefore supported the drafting committee's suggestion.

Mr. KRUYSSSE (Netherlands) said that, from the point of view of the application of the Convention, it did not matter whether the provision relating to the schedules appeared in article 1 or in article 2. He would vote for the deletion of paragraph 10 for the reasons stated by the representative of the Federal Republic of Germany.

Mr. ISMAIL (United Arab Republic) said that he was not opposed to the deletion of paragraph 10 but

thought it essential that the Convention should contain a clear statement that the schedules formed an integral part of the Convention. The schedules should have the same force as the provisions of the Convention.

Mr. ACBA (Turkey) supported that view.

Mr. BITTENCOURT (Brazil) supported the drafting committee's suggestion. In the case of his own country, the words "form an integral part of this convention" might be a cause of difficulty when the Convention was submitted to the legislature for approval.

Mr. DANNER (Federal Republic of Germany) associated himself with the Brazilian representative's comments.

Mr. CURRAN (Canada) said that it was obvious that if the drafting committee's suggestion was adopted, the schedules would form part of the Convention. He was therefore in favour of the deletion of paragraph 10.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he supported the position taken by the representatives of Turkey and the United Arab Republic. He would vote for the retention of paragraph 10 and against the drafting committee's suggestion.

Mr. MAURTUA (Peru) said that the footnote left some points unclear. In particular, it was not certain whether the inclusion of additional substances in the schedules would constitute an amendment of the Convention. To eliminate the difficulties it raised, the wording might perhaps be amended to read "schedule I", "schedule II", "schedule III" and "schedule IV" mean the correspondingly numbered lists of drugs or preparations annexed to his Convention."

Dr. MABILEAU (France) said that he did not think that the text suggested by the drafting committee weakened the Convention, but, in view of the misgivings expressed by other representatives, he would like to ask the representative of the Office of Legal Affairs if there was any real reason to believe that difficulties might arise. In some countries, the amendment of the schedules would require legislative action, while in others it would be possible to amend by mere regulations. It was understandable that the provision should be a subject of concern to certain delegations.

Mr. WATTLES (Office of Legal Affairs) said that the drafting committee's suggestion was intended to remove the misgivings of delegations concerning a provision which seemed to contemplate the possibility of changes in the text of the Convention itself.

Mr. GREEN (United Kingdom) said that he was prepared to accept either text, but as paragraph 10 apparently created more difficulties, he would prefer the suggestion in the footnote.

Paragraph 10 was deleted by 18 votes to 11, with 7 abstentions.¹

The PRESIDENT proposed that the drafting committee's suggested definition of "schedules" should be incorporated in article 1.

It was so decided.

¹ As a consequence of this decision, it was unnecessary to put the Peruvian representative's amendment to the vote.

Article 2 as a whole, as prepared by the drafting committee, as amended, was adopted by 38 votes to none, with 2 abstentions.

Schedules

The PRESIDENT invited debate on the draft schedules contained in the technical committee's report (E/CONF.34/11).²

Mr. JOHNSON (Australia), speaking as chairman of the technical committee, introduced the committee's report. As was explained in the introductory comments to the report, the committee had established general criteria for the inclusion of substances in the schedules, but had been reluctant to lay down definitive criteria for each schedule, for it was impossible to predict future developments in the field of synthetic drugs, tranquilizers, amphetamines, barbiturates, etc. With regard to nomenclature, he stressed the value of the *Multilingual List of Narcotic Drugs under International Control* (E/CN.7/341) and expressed the hope that it would be kept up to date. In the case of schedule I, the committee had been almost unanimous, a few reservations having been expressed by India. Schedule II listed substances having addiction-producing or addiction-sustaining properties not greater than those of codeine but at least as great as those of dextropropoxyphene. The choice of dextropropoxyphene was in keeping with the views expressed by WHO.

In sub-paragraph 1 (b) of schedule III, the technical committee recommended that preparations should contain not more than 100 mg of the drug per unit in dose preparations and that the concentration should not be more than 2.5 per cent in undivided preparations. There had been some hesitation concerning those figures but after hearing the WHO representative, who had cited the views of various countries, the committee had decided to adopt them, on the understanding that any country would be free to set a lower limit. It should be noted that the drug content of the different preparations varied greatly and might be as low as 7 or as high as 70 mg per unit. The committee had not deleted the preparations in paragraphs 5 and 6 of schedule III because they were still used in certain countries, although there was a general tendency to replace them by more effective medicaments.

In conclusion a tribute should be paid to the members of the committee whose technical knowledge and energy had been beyond praise.

Mr. HOLZ (Venezuela) said that the maximum concentration mentioned in schedule III was too high for general use, particularly in the case of codeine. The usual dose of codeine was only 50 to 60 mg per unit when used as an analgesic, and the dose was much less when it was used as a cough medicine. It had been found that if a dose of 60 mg of codeine was insufficient to relieve pain, a higher dose would be equally ineffective and would also cause nervous disturbances. The recom-

mended concentration in undivided preparations would represent 25 mg of codeine per gramme or millilitre. While that concentration might be acceptable in tablets or capsules taken in small quantities, many preparations with a codeine base were liquid and the concentration would represent 125 mg per teaspoon and 375 mg per tablespoon. He accordingly proposed that paragraph 1 (b) in schedule III should be amended to read: "containing no more than 65 mg of the drug per unit in dose preparations and with a concentration of not more than 1.5 per cent in undivided preparations."

Mr. De BAGGIO (United States of America) considered that the decision to include dextropropoxyphene in schedule II was an arbitrary one, and regrettable. Dextropropoxyphene had been on sale in the United States for nearly three years, and no case in which it had produced addiction had been reported. He asked accordingly for a separate vote on the inclusion of dextropropoxyphene in schedule II.

Commenting on schedule I, he said that the definition of concentrate of poppy straw was unsatisfactory and would not prevent the accumulation of stocks. In his opinion the words "when such material is made available in trade" should be deleted.

Dr. MABILEAU (France) said that the technical committee's recommendations were on the whole acceptable and that the French experts had raised no objections. He agreed with the Venezuelan representative that the permitted doses seemed somewhat high, but noted that the object had been to specify a maximum that should not be exceeded, not to recommend particular quantities or concentrations. In many countries the doses set out in the pharmacopoeia would undoubtedly be substantially less than the maximum specified in the report.

Mr. RAJ (India) noted that the technical committee had decided to maintain the definition of poppy straw in schedule I. However, the definition, which appeared in a footnote, should perhaps be transferred to the body of the schedule.

It would be useful to hear the WHO representative's views concerning the United States proposal regarding dextropropoxyphene.

He would also like to know whether the WHO representative thought that the drug content specified in schedule III, paragraph 1 (b), was likely to lead to abuse and whether it should be reduced. In India, a codeine content of 30 mg was allowed, and the maximum specified in the schedule seemed unduly high. The preparations listed in paragraphs 5 and 6 of schedule III should not be deleted from the schedule since no cases of abuse had been reported.

He noted that at the 38th plenary meeting it had been decided to dispense with the definition of synthetic drugs which appeared at the end of part II of the technical committee's report. His delegation had no objection, but suggested that the definition of "drug" in article 1, paragraph (k), of the third draft of the Convention should be slightly amended by the insertion of the words "natural and synthetic" before the word "substances".

² Part II (Definitions) of the report was discussed at the 38th plenary meeting.

The PRESIDENT pointed out that the Indian representative's suggestion would involve the reconsideration of article 1 as adopted at the preceding plenary meeting.

Mr. HAMMOND (Canada) agreed that the drug content mentioned in schedule III, paragraph 1 (b), was too high. The maximum dose of 100 mg of codeine was almost twice that indicated in official pharmacopoeias. The Conference could not properly disregard established principles of medicine and pharmacy, and it was in any case desirable that the international trade in drugs should be subject to strict control. For those reasons his delegation endorsed the view taken by the Venezuelan representative.

Mr. AZARAKHSH (Iran) and Mr. KAYMAK-CALAN (Turkey) also expressed agreement with the Venezuelan representative's views.

Mr. KRUYSSSE (Netherlands) observed that the technical committee had decided upon the figure of 100 mg after lengthy discussions and its decision should not be altered lightly. Furthermore, from the pharmaceutical point of view, the effect of a preparation containing 100 mg per unit differed very little from that of a preparation containing 65 mg of the drug. In any case the 100 mg dose was a maximum, and in the Netherlands, to mention only one example, doses of 35 mg were generally prescribed. However, from the point of view of the application of an international instrument it was better to allow a higher dose, in order to avoid violations. In the circumstances, the figure specified in paragraph 1 (b) of schedule III should be approved.

His delegation was prepared to accept the United States proposal for the deletion of the words "when such material is made available in trade" at the end of the definition of concentrate of poppy straw in schedule I, but would be reluctant to agree to the deletion of dextropropoxyphene from schedule II, inasmuch as WHO had placed the substance in the same category as codeine.

He would welcome further elucidation of the Indian representative's suggestion concerning poppy straw.

Dr. HALBACH (World Health Organization) noted that the technical committee had included dextropropoxyphene in schedule II by an unanimous decision and after thorough consideration. It was recognized that it was the least addiction-producing of the drugs to be included in the schedule. While dextropropoxyphene was not yet subject to control, it would be brought under control if the Conference left it in schedule II. In that event, article 3, paragraph 1, of the Convention would apply, and a party having information showing that dextropropoxyphene was not a dangerous substance would be entitled to notify the Secretary-General with a view to the removal of that substance from schedule II. At the moment, no such information was available and it would be wiser to retain dextropropoxyphene in schedule II.

The meeting rose at 1 p.m.

FORTIETH PLENARY MEETING

Thursday, 23 March 1961, at 3.20 p.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs (third draft) (E/CN.7/AC.3/9 and Add.1) (continued)

Schedules (continued)

The PRESIDENT invited the Conference to continue its debate on the schedules drafted by the technical committee (E/CONF.34/11).

Schedule I

Mr. KENNEDY (New Zealand) proposed that the passages "any other product obtained from any phenanthrene alkaloid of opium, not in use for medical or scientific purposes on [the date of signature]" and "any other product obtained from the ecgonine alkaloids of the coca leaf, not in use for medical or scientific purposes on [the date of signature]" which appeared in the third draft (E/CN.7/AC.3/9/Add.1) and which had been deleted from schedule I by the technical committee, should be restored. Representatives were all familiar with the background of those passages, and States had taken them into account in framing national legislation. It therefore seemed advisable to retain them in schedule I.

Mr. VERTES (Hungary) said that at the preceding meeting the United States representative had proposed the deletion of the words "when such material is made available in trade" from the definition of concentrate of poppy straw. If the definition were shortened in that way, it might give rise to confusion, since the reference might appear to be not to a specific, fixed substance but to a process beginning at the time when poppy straw first underwent treatment for the concentration of its alkaloids. Moreover, the consistency and morphine content would not be fixed, because concentrate of poppy straw was transformed from a liquid to a solid and from a substance with a very low morphine content to pure morphine. Manufacturers who derived alkaloids from poppy straw would not know whether or not to send statistical returns to the Board concerning the amount of concentrate of poppy straw, since that substance was in most countries only an intermediate product which did not leave the factory until it had been converted into alkaloids. He asked the Deputy Executive Secretary what the result of the adoption of the United States proposal would be for those countries, such as Hungary, in which concentrate of poppy straw was only an intermediate product.

Mr. JONHSON (Australia) supported the views expressed by the Hungarian representative. He pointed out that the technical committee had not altered the text of schedule I as it appeared in the third draft, except for the deletion of the phrases which the New Zealand delegation wished to restore. The committee had considered those passages to be too broad for control purposes; however, his delegation would be willing to agree to

their restoration, if some practical reason for doing so was put forward.

Mr. LANDE (Deputy Executive Secretary) said that a corresponding provision concerning all products obtained from the phenanthrene alkaloids of opium and the ecgonine alkaloids of the coca leaf had been inserted in the 1931 Convention on the initiative of Mr. May. The object of the provision was to ensure that if any new drug in those general groups appeared on the market, it would be under control until found not to be addiction-producing. While that provision was less important than it had been in the past, it was still desirable, as was demonstrated by recent experience with new drugs belonging to the group of the phenanthrene alkaloids of opium, to avoid the dangerous period between the time when such a new drug appeared on the market and the time when international control was imposed, when addiction might be spread. It was for that reason that the Secretariat had thought that the general groups of the phenanthrene alkaloids and ecgonine alkaloids might usefully be retained in schedule I.

With reference to the question raised by the Hungarian representative, he could not give a definitive opinion on the legal consequences of the definition of "concentrate of poppy straw" proposed by the technical committee, nor could he say authoritatively what the practice of governments would be in supplying estimates of and statistical information on the concentrate. He had found that in a similar situation the practice of governments was not uniform. In a few countries, the drug nalorphine was made from heroin, which in turn was made from morphine; at least one country did not report the amount of heroin manufactured if the process of producing the nalorphine was a continuous one. However, if the process was interrupted, in other words, if the heroin was manufactured and some time later made into nalorphine, the heroin was reported. The same practice might be applied in the future with respect to concentrate of poppy straw.

Mr. RAJ (India) said that the question of the general clauses covering phenanthrene and ecgonine alkaloids had been discussed at length in the technical committee, and that the committee had decided they were too broad and would require automatic control of any new drug in those groups. Besides, since new synthetic drugs were far more likely to lead to abuse, it was hard to see why that type of clause should be restricted to opium and cocaine.

Mr. LANDE (Deputy Executive Secretary) replied that WHO and the United Nations Secretariat had studied the question whether it would be possible to define synthetic chemical groups which might be suspected of addiction-producing properties. They had concluded that it was not possible to define chemical groups in sufficiently close terms to include all synthetic drugs which might be suspected of addiction-producing properties. But such a definition was possible with respect to natural drugs, since practically all such manufactured drugs were obtained from the phenanthrene alkaloids of opium and the ecgonine alkaloids of the coca leaf. Furthermore, those broad definitions had been very

helpful for the past thirty years. He did not think it necessary to abolish such provisions simply because it was not possible to have equally effective protection in respect of synthetic drugs.

Mr. RAJ (India) explained that he had not wished to eliminate the provisions relating to alkaloids of opium and coca leaf, but rather to extend the same treatment to synthetic drugs. In recent years there had been no instance of new addiction-producing phenanthrene alkaloids, but there had been hundreds of synthetic drugs in that category.

Mr. KRUYSSSE (Netherlands) agreed that the provisions of the 1931 Convention relating to phenanthrene and ecgonine alkaloids had been useful. But article 11 of that convention also provided that the parties permitting trade in or manufacture for trade of such products should notify the Secretary-General, and that WHO would thereupon decide whether the product in question was capable of producing addiction. In the first instance, the government concerned made a decision on that point. On the other hand, the inclusion of the groups of phenanthrene and ecgonine alkaloids in schedule I of the Single Convention would mean that whenever a manufacturer produced a product with a chemical formula similar to that of a phenanthrene alkaloid, that product would have to be included in schedule I; if the government believed that the substance should not be included in schedule I, it would have to ask for the amendment of the schedule. Moreover, whatever recommendation WHO made to the Commission concerning the inclusion of the substance in schedule I would stand. Accordingly, if the reference to the alkaloid groups was restored to schedule I, the Conference should provide a procedure for exempting a substance which belonged to those groups but was not a narcotic drug. The time was rather late for a substantial change, and he therefore thought it would be preferable to accept the technical committee's decision.

Mr. LANDE (Deputy Executive Secretary) did not think the inclusion in schedule I of the general groups of the phenanthrene and ecgonine alkaloids would prevent the Commission in the future from excluding any new drug in those groups which might be harmless, because the Commission had the power to amend the schedules. For instance, it might amend the schedules to state: "any other product obtained from any phenanthrene alkaloid of opium..., except" and then add the name of the harmless product.

Mr. KRUYSSSE (Netherlands) could not agree with that interpretation of the Convention. If the Convention provided that any product made from phenanthrene alkaloids of opium should be included in schedule I, such a product could not be removed from the schedule.

Mr. KAYMAKCALAN (Turkey) said that the technical committee's decision to delete the sentences had been unanimous, because scientifically correct.

Mr. LANDE (Deputy Executive Secretary) said that, under the Single Convention, the Commission would unquestionably have the right to amend the schedules,

and consequently the right to exclude drugs from the schedules.

Dr. MABILEAU (France) thought the inclusion of the phrases the New Zealand representative wished to restore might be dangerous. If the Conference wished to include a provision which had given satisfaction for the past thirty years, perhaps it would be preferable to insert the text of the corresponding provision of the 1931 Convention. The real problem of the future was that of the synthetic drugs.

Mr. KRUYSSSE (Netherlands) said that if the text of the 1931 Convention were included, it would go much farther than the text proposed by the New Zealand representative. However, the interpretation given to the Convention by the Deputy Executive Secretary would substantially change the import of the New Zealand proposal. He still did not see how it would be possible, when a group was placed in schedule I as a group, to make an exception in respect of a drug belonging to that group. But if a government found that a manufacturer had prepared a new drug related to the phenanthrene alkaloids which was not addiction-producing, it might ask for an amendment of the schedule under article 3, paragraph 1. If the two groups were to be included, his delegation would prefer to retain the whole machinery provided for in article 11 of the 1931 Convention. However, he did not wish to give the impression that his delegation was opposed to placing certain harmful groups of drugs in schedule I; if the Conference thought it was possible, without amendment of the text of the Convention, for the Commission to alter schedule I by deleting individual drugs obtained from phenanthrene and ecgonine alkaloids, his delegation would not object to the New Zealand proposal.

Mr. LANDE (Deputy Executive Secretary) assured the members of the Conference that the Commission would be able to amend the schedules and to exempt from the scope of schedule I drugs obtained from phenanthrene alkaloids of opium as it deemed necessary. He pointed out that there was another general group listed in schedule I—namely, isomers, esters and ethers—and that exemptions could be made from that group in the same manner.

Mr. RAJ (India) said that one of the criteria established by the technical committee for substances in schedule I was that those substances should have addiction-producing or addiction-sustaining properties greater than those of codeine and more or less comparable to those of morphine. In effect, that criterion meant that the substances should constitute a risk to public health and social welfare. As products obtained from any phenanthrene alkaloid of opium or from the ecgonine alkaloids of the coca leaf did not meet that criterion, the technical committee's decision to delete the passages in question should be upheld.

The PRESIDENT put to the vote the United States proposal for the deletion of the words "when such material is made available in trade" from the definition of concentrate of poppy straw (E/CONF.34/11).

It was decided by 21 votes to 5, with 12 abstentions, that the words in question should be retained.

Dr. MABILEAU (France) said that the schedules were intended to be a list of substances which were narcotics. Poppy straw was not a narcotic, and the footnote to "concentrate of poppy straw" in the technical committee's report would appear to have no point. He therefore proposed that it should be deleted.

Mr. JOHNSON (Australia) explained that the footnote had been intended to form part of the schedule.

Mr. KRUYSSSE (Netherlands) asked whether the fact that schedule I included "ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine" would not cover the New Zealand delegation's point.

Mr. LANDE (Deputy Executive Secretary) said that substances convertible into addiction-producing drugs would not be controlled unless specifically listed. Convertibility was only a reason for placing substances under control; the fact that a substance was convertible into an addiction-producing drug did not mean that it would be automatically placed under control.

Mr. KRUYSSSE (Netherlands) thought that, in the circumstances, it might be better to retain the wording of the 1931 Convention. Otherwise, it would be very difficult to interpret the Convention.

Mr. RAJ (India) proposed that, if the passages concerning phenanthrene and ecgonine alkaloids were restored to schedule I, they should be qualified by the words "which involves a risk to the community".

Mr. KENNEDY (New Zealand) explained that his delegation wished those products to be included in schedule I precisely because they were always a risk to the community. If a specific drug was not a risk, the Commission would drop it from schedule I.

Mr. LANDE (Deputy Executive Secretary) said that the addition of the words "which involves a risk to the community" would introduce an element of uncertainty concerning the substances under control. The purpose of the schedules was to specify the substances under control; if they did not do so clearly, the system would not work satisfactorily. One State would require export and import authorizations for a particular substance, while another State would not.

The PRESIDENT put to the vote the New Zealand proposal for the restoration of the passages "any other product obtained from any phenanthrene alkaloid of opium . . . and "any other product obtained from the ecgonine alkaloids of the coca leaf . . ."

The result of the vote was 11 in favour and 6 against, with 17 abstentions.

The proposal was rejected, having failed to obtain the required two-thirds majority.

Schedule II

The PRESIDENT invited the Conference to vote on the retention in the schedule of the reference to dextro-propoxyphene, the deletion of which had been proposed by the United States delegation at the previous meeting.

The Conference decided by 21 votes to 3, with 13 abstentions, to retain the reference to dextropropoxyphene.

Schedule III

The PRESIDENT said that at the previous meeting the Venezuelan delegation had proposed that the figures for dosage and concentration in paragraph 1 (b) should be replaced by the figures "65 mg" and "1.5 per cent".

Mr. GREEN (United Kingdom) pointed out that the dose and concentration figures in paragraph 1 (b) were only indications of the maximum and could therefore be retained. The limits might seem high for some drugs, but the figures were intended only as a general guide and it was for national authorities to impose lower limits if they saw fit.

Some delegations were in favour of deleting the preparations mentioned in paragraphs 5 and 6 but, as they were still in use and were still articles of commerce, there did not seem to be any reason to delete them. There was no suggestion that they were dangerous as narcotics and they still had some usefulness. Even if in the opinion of some experts they were useless, there was still no reason to delete them if they were not dangerous.

Mr. LIANG (China) supported the Venezuelan amendment to paragraph 1 (b). He agreed that the national authorities could impose a lower limit than the one specified, but he thought it would be dangerous to specify such high limits as 100 mg and 2.5 per cent in the Convention.

Mr. BITTENCOURT (Brazil) also supported the Venezuelan amendment. The dose and concentration proposed by the Venezuelan delegation appeared reasonable, and higher limits would involve the danger of stimulating addiction.

Dr. MABILEAU (France) said that there did not seem to be any particular reason for fixing a dose of 65 mg, rather than 70 or more. It was easy enough to double the dose in any case. The Conference should not attempt to lay down rules for medical practitioners. The limit of 100 mg was a generous figure admittedly, but it was not a dangerous one. Paragraphs 5 and 6 should not be deleted, for those preparations were still in use in certain countries.

Mr. HOLZ (Venezuela) said that the medical arguments in favour of the lower figures he had proposed for paragraph 1 (b) were decisive. There was no medical justification for a dose of 100 mg of codeine, for instance, for even much higher doses produced only the same therapeutic effect. It had been proved in his country that euphoria could result from products containing less than 100 mg of codeine, particularly if injected. There was therefore a danger of addiction.

Neither of the preparations mentioned in paragraphs 5 and 6 had any therapeutic value. Lead acetate was no longer used because of its toxic effects and had been replaced by other substances. The ointment mentioned in paragraph 6 was not only obsolete and useless, as opium had no anaesthetic effect when applied externally, but actually harmful. It would be deplorable if such

useless and dangerous preparations were authorized under the Convention.

Dr. HALBACH (World Health Organization) thought that the wording of paragraph 1 (a) and paragraph 2 was somewhat vague and might give rise to difficulties of interpretation. If the words "the preparation has no, or a negligible, risk of abuse" were retained, it would be left to the parties to decide whether there was a risk of abuse or not. In order to make the wording quite unambiguous and avoid any possible discrepancies in its applications, he suggested that the words from "ingredients in such a way" to the end in both paragraphs should be replaced by the words "therapeutically active ingredients which do not fall under the provisions of international control".

Referring to the Venezuelan amendment to paragraph 1 (b), he said that the WHO Expert Committee on Addiction-producing Drugs had established the limits of 100 mg and 2.5 per cent. It seemed advisable to leave those figures, particularly as, before fixing those limits, the Expert Committee had considered the views of the Health Committee of the League of Nations. Furthermore, when those limits had been fixed, the Expert Committee had been in possession of comments from governments indicating that most countries found them acceptable. However, if the Conference wished to reduce those limits, WHO would certainly not object, as that would provide an additional safeguard for public health. He thought that the wording of paragraph 3 might be improved also to read "Diphenoxylate solid dose preparations containing not more than 2.5 mg diphenoxylate calculated as base and not less than 25 microgrammes atropine sulphate per dosage unit."

Paragraphs 5 and 6 might well be deleted. Information had recently come into his possession supporting the Venezuelan representative's view that the use of the ointment mentioned in paragraph 6 could produce addiction. According to his information it had been intentionally so used.

Mrs. CAMPOMANES (Philippines) supported the Venezuelan amendment to paragraph 1 (b). She did not, however, think that paragraphs 5 and 6 should be deleted.

Mr. KENNEDY (New Zealand) pointed out that a drafting amendment would have to be made to paragraph 1, because it was not the preparations of codeine and other drugs but the drugs themselves that were listed in schedule II.

He could not accept any alternative to the word "ingredients" in paragraph 1 (a), for that word had been selected after an exhaustive discussion in the technical committee.

Regarding the Venezuelan amendment to paragraph 1 (b), he said that although a dose of 65 mg produced the same effect as one of 100 mg the latter dose, although perhaps unnecessarily high, was still safe. Any country was free to fix a dose of less than 100 mg, and that figure had seemed generally applicable. In any event, the provision would not oblige any party to amend its legislation to conform with it. If the dose suggested by Venezuela did not involve changes in the legislation of

the countries represented at the Conference, he would have no objection to it.

Although the preparations mentioned in paragraphs 5 and 6 were obsolete for therapeutic use, they were still articles of commerce and should therefore remain in schedule III.

Mr. JOHNSON (Liberia) said that schedule III as drafted by the technical committee was entirely satisfactory. He could not, therefore, support any amendment to it.

Dr. MABILEAU (France) said that the object of paragraph 1 (a) was to ensure, first, that the narcotic drug content of the preparations in question was small and, secondly, that the narcotic could not be recovered and used by addicts. If the WHO representative's wording was adopted, many preparations consisting of a narcotic drug and a therapeutically inactive ingredient, such as sugar, would be banned. Pharmacists would be obliged to introduce a therapeutically active ingredient into the preparations or else to cease to dispense such preparations; and, in order to give their patients a dose of a narcotic drug, medical practitioners would be obliged to administer also a therapeutically active ingredient which the patients did not need. On the other hand, the change would not be unacceptable in paragraph 2, where the therapeutically active ingredient was intended to denature a narcotic drug in schedule I.

Mr. KRUYSSSE (Netherlands) and Mr. KOCH (Denmark) associated themselves with the views expressed by the French representative regarding the amendment to paragraph 1 (a) suggested by the WHO representative.

Dr. HALBACH (World Health Organization) said that if the text as drafted was satisfactory to the Conference, he would not press his suggestion. All he had intended to do was to sound a note of warning.

The PRESIDENT invited the Conference to vote on the Venezuelan delegation's amendment to paragraph 1 (b).

The amendment was rejected by 16 votes to 14, with 6 abstentions.

The PRESIDENT invited the Conference to vote on the retention of paragraphs 5 and 6, the deletion of which had been proposed by the Venezuelan representative.

The result of the vote was 12 in favour and 9 against, with 18 abstentions.

Those paragraphs were not adopted, having failed to obtain the required two-thirds majority.

Schedules I, II, III and IV, as drafted by the technical committee (E/CONF.34/11), as amended, were adopted by 37 votes to none, with 3 abstentions.

Draft resolutions (E/CONF.34/L.24, L.25, L.27 L.32, L. 34, L.37, L.38 and Corr.1, L.40 and L.43)

The PRESIDENT invited the Conference to consider the draft resolutions submitted by Turkey (E/CONF.34/L.24, L.25, L.32 and L.34).

Mr. LÜTEM (Turkey) said that he wished to introduce only two of the draft resolutions sponsored by his delegation—those contained in documents E/CONF.34/L.32 and L.25. His delegation would not press the proposals contained in documents E/CONF.34/L.34 and L.24.

The Turkish delegation considered that in accepting the provisions of article 44 (a) and (b) (E/CONF.34/21/Add.1) as an obligation rather than a recommendation, the Conference had taken an important step towards genuine international co-operation. The adoption of those obligatory clauses could be detrimental only to narcotics traffickers, for neither the principle of national sovereignty nor the authorities engaged in combating the illicit traffic would suffer.

Referring specifically to the draft resolution on illicit traffickers (E/CONF.34/L.32), he said that great benefits would be derived if all illicit traffickers were known to the parties concerned. Systematic efforts in that field were as important as the submission of statistics to the Board.

As for the draft resolution on technical assistance in narcotics control (E/CONF.34/L.25), the Turkish delegation considered that since the expert was one of the most important elements in the campaign against the illicit traffic, intensive international collaboration and a uniform system of training was essential. The twofold purpose of the draft resolution was thus to increase the number of experts and to teach them new methods and techniques for combating the illicit traffic.

The PRESIDENT invited the Conference to consider first the draft resolution on technical assistance in narcotics control (E/CONF.34/L.25).

Mr. ARVESEN (Norway) said it was not clear what was meant by the phrase "Technical Assistance Fund" and suggested that the drafting committee might deal with that point.

The PRESIDENT agreed that the point should be referred to the drafting committee.

Dr. MABILEAU (France) considered that the idea underlying the draft resolution was very useful. In fact, the short courses organized by the International Criminal Police Organization, with United Nations support, had proved very profitable. However, he did not think it was appropriate to specify the duration of the courses; the period should be left open for the competent bodies to decide.

Mr. RAJ (India) said that his delegation appreciated the aim of the draft resolution, but doubted the wisdom of restricting the proposed courses to officials of national security departments, which were not necessarily the only agencies engaged in combating the illicit traffic. He would like the scope of the draft resolution to be broadened to include all administrative authorities concerned.

Mr. AZARAKHSH (Iran) supported the remarks made by the representatives of France and India. He thought that all delegations could agree with the principle underlying the draft resolution. However, in many

countries it was not the national security departments that dealt with the illicit traffic in narcotics, and accordingly the resolution should be drafted in more general terms. Furthermore, provision might be made for the grant of United Nations fellowships and for the holding of seminars under United Nations auspices without the need for a specific reference to Technical Assistance funds.

Mr. GREEN (United Kingdom) agreed with the general principle underlying the draft resolution, but thought that a number of points called for clarification. It was not clear, for instance, whether the experts and courses in question were to be national or international. Moreover, it seemed doubtful whether the Commission was in a position to establish such courses, which might possibly be better organized by such bodies as the International Criminal Police Organization. The idea that technical assistance funds should be made available to the Narcotics Division was at variance with the usual procedure, under which such funds were provided in response to applications from governments for assistance in particular projects. The draft resolution would therefore have to be revised.

Mr. ELGONI (Chad) inquired how many narcotics experts were at present in the field.

Mr. YATES (Executive Secretary) explained that various types of experts were sent to countries in connexion with technical assistance schemes. For example, agricultural experts, provided by FAO, had been sent to Iran to advise on the subject of crop substitution for narcotic plants. Experts in the administrative field were also provided. The arrangements had been expanded only the previous year as a result of General Assembly resolution 1395 (XIV). As yet, about ten experts had been in the field in various contexts.

With regard to the questions raised in connexion with the draft resolution, he considered that courses of the kind proposed could be held in conjunction with United Nations technical assistance. He recalled the successful short courses held under the auspices of the International Criminal Police Organization, with the assistance of United Nations fellowships. Moreover, a number of Latin American countries had requested that a conference on the subject should be held under the auspices of the technical assistance programme. There should be no need at the moment for a rigid delimitation of spheres of jurisdiction.

Mr. ELGONI (Chad) considered that the number of experts in the field was insufficient and should be increased.

Dr. MABILEAU (France) said that the use of the word "experts" gave rise to difficulty. For example, "national security" experts were not necessarily chemists and, in order to understand the subject fully, a long period of training would be necessary. Accordingly, the draft resolution needed clarification.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) pointed out that technical assistance funds could be granted only at the request of governments and that if governments did not request funds for the

purpose envisaged, the draft resolution could not be carried into effect.

Mr. MATHIEU (Canada) agreed with the representative of the United Kingdom. While sympathizing with the aims of the Turkish draft resolution, he thought that the text as drafted left much to be desired and he could not, therefore, support it.

Mr. LÜTEM (Turkey) said that his delegation was open to any suggestions concerning the drafting. It would be perfectly willing to agree that the text should be referred to the drafting committee for further consideration.

It was decided by 19 votes to 1, with 23 abstentions, that the draft resolution (E/CONF.34/L.25) should be referred to the drafting committee for further consideration.¹

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation had abstained from voting because, while it accepted the idea of the draft resolution, it doubted whether the Commission was the most appropriate body to establish the courses.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) explained that his delegation had abstained because, while aware of the necessity for measures to combat the illicit traffic, it considered that the teaching of new methods should be the prerogative of national governments.

The PRESIDENT invited the Conference to consider the Turkish draft resolution on illicit traffickers (E/CONF.34/L.32).

Mr. RAJ (India) said it was not clear what was meant by the words "competent international bodies".

The PRESIDENT suggested that, if the Conference was in accord with the general idea underlying the draft resolution, the text might be referred to the drafting committee for review.

It was so decided.²

The PRESIDENT invited the Conference to consider the United States draft resolution concerning the treatment of drug addicts (E/CONF.34/L.27).

Replying to a question from Mr. BUVAILIK (Ukrainian Soviet Socialist Republic), Mr. De BAGGIO (United States of America) explained that the words "civil commitment" meant that no criminality was involved. The institution concerned would be a hospital in which the patient, after the completion of the withdrawal stage, would be deprived of the further use of drugs.

Monsignor FLYNN (Holy See) said that, while he could endorse all humane means for the treatment of addiction and realized that treatment in a hospital was a useful method, he thought that "civil commitment" might possibly involve the infringement of a

¹ Text revised by the drafting committee subsequently circulated as E/CONF.34/L.25/Rev.1.

² Text revised by the drafting committee subsequently circulated as E/CONF.34/L.32/Rev.1.

basic human right. He would like some assurance that the necessary limitations would be placed upon the power of civil commitment to ensure the protection of human rights. On the whole, his delegation was inclined to oppose the draft resolution.

Dr. HALBACH (World Health Organization) said that the draft resolution reflected views expressed by medical bodies in the United States and by the WHO Expert Committee on Addiction-producing Drugs in its eleventh report (E/CN.7/406). The Committee had approved the principle of civil commitment, considering that its general application would be a distinct step forward in the handling of the problem. With regard to the point raised by the representative of the Holy See, he said that WHO was considering a study of the attitudes of various countries on the question of civil commitment to institutions, as in the case of mental illness. It might be noted that the proposal considered by the WHO Expert Committee was for the civil commitment of an addict through the authority of a medical panel which would provide supervision and direction for his treatment from the time of the initial diagnosis to his rehabilitation. Because of the technical problems of rehabilitation, which were in fact more difficult to solve than those encountered during the withdrawal period, he thought it might be advisable if the scope of the draft resolution could be extended to cover rehabilitation.

Mr. De BAGGIO (United States of America) said the implications contained in the statement of the representative of the Holy See were completely fallacious; there would be no question of any impairment of human rights. Civil commitment would be subject to legislative control, with all due protection of civil rights, as in the case of mental illness.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) recalled a draft resolution sponsored jointly by his delegation and others in connexion with article 47 (E/CONF.34/L.9). If the idea set out in that draft resolution were incorporated in the United States proposal, there would be adequate protection of human rights. He proposed that the Conference should transmit document E/CONF.34/L.9 to the drafting committee, together with the summary record of the current meeting, for study in connexion with the United States draft resolution.

Mr. KENNEDY (New Zealand) said his delegation supported the United States draft resolution, although it did not agree with all the details. In New Zealand it was considered that in a number of circumstances commitment to an appropriate institution, subject to due process of law, was desirable. Provision was made for such commitment in the case of communicable diseases, tuberculosis, mental illness and certain other circumstances.

Mr. JOHNSON (Liberia) said that his delegation fully supported the United States draft resolution.

Mr. RAJ (India) proposed the deletion of the words "civil commitment" from the United States draft resolution.

If the draft resolution was adopted as it stood, the effect would be to compel governments to frame rules for the committal of drug addicts to hospital. Many countries, including India, had no such rules at present. His amendment would meet the wishes of the Holy See.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) supported the Byelorussian proposal.

Presumably the Conference would approve the principle embodied in the United States draft resolution and refer it to the drafting committee; document E/CONF.34/L.9 should be accorded the same treatment.

Mr. LEDESMA (Argentina) said that in his country no one could be committed to any institution unless he had been convicted of an offence or declared insane by a court of law. Argentina was therefore unable to support the United States draft resolution.

Mr. WIECZOREK (Poland) said that the United States draft resolution would require drastic re-drafting. The course of action outlined by the Ukrainian representative was therefore appropriate.

When document E/CONF.34/L.9 had been discussed, some representatives had objected that the inclusion of the provisions it proposed in article 47 of the draft Convention would impose additional legal obligations on the parties. However, the idea embodied in that document was entirely suitable for endorsement by the Conference in the form of a resolution.

Monsignor FLYNN (Holy See) said that his delegation was aware of the experience possessed by the United States in the treatment of drug addiction but understood that the federal programme provided for the voluntary hospitalization of addicts except in cases where a criminal offence had been committed. The United States representative should not forget, however, that the Convention was intended for application not merely in the United States, but throughout the world.

Mr. MAURTUA (Peru) said that the text which the Byelorussian representative wished the drafting committee to consider (E/CONF.34/L.9) approached the problem from the wrong angle; drug addiction was liable to appear at any socio-economic level. Moreover, the United States draft resolution and document E/CONF.34/L.9 were concerned with different aspects of the problem, the former with treatment and the latter with prevention.

Mr. GREEN (United Kingdom) said that to refer document E/CONF.34/L.9 to the drafting committee would imply acceptance of the principle it embodied. His delegation did not accept that presentation of the problem and therefore could not support the Byelorussian proposal.

Mr. ELGONI (Chad) supported the Indian amendment to the United States draft resolution.

Mrs. CAMPOMANES (Philippines) thought that the words "civil commitment" might be replaced by

"confinement"; she did not, however, wish to make a formal proposal to that effect.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that, although the amendment to article 47 co-sponsored by his delegation (E/CONF.34/L.9) had not been adopted, the statement of principle it contained had been generally accepted by the Conference. The main objection to the amendment appeared to have been based on opposition to the "socialization" of medical services. His delegation was willing to meet that objection by deleting from the text the words "by States". The origin of the medical services concerned—whether state or private—did not affect the principle involved.

Mr. AZARAKHSH (Iran) said that economic and social conditions were a result, rather than a cause, of addiction.

Mr. De BAGGIO (United States of America) said that without the words "Civil commitment" the resolution was meaningless; it was hardly necessary to have a resolution stating that a hospital was a proper place for the treatment of drug addicts.

The Indian amendment to the United States draft resolution (E/CONF.34/L.27) was adopted by 10 votes to 7, with 22 abstentions.

The Conference decided by 23 votes to 4, with 13 abstentions, to refer to the drafting committee the principle embodied in the United States draft resolution, as amended.³

The Conference rejected by 25 votes to 20, with 26 abstentions, the Byelorussian proposal that document E/CONF.34/L.9 should be referred to the drafting committee, together with the summary record of the present meeting.

The PRESIDENT invited the conference to consider the draft resolutions concerning the membership of the Commission on Narcotic Drugs (E/CONF.34/L.37, L.40, L.43).

Mr. TABIBI (Afghanistan) said that the three-power draft resolution (E/CONF.34/L.43), of which his delegation was a sponsor, replaced the separate Afghan and Swiss draft resolutions (E/CONF.34/L.37 and L.40), which had been withdrawn. The purpose of the three-power draft resolution was to meet the view expressed during the Conference's discussions, especially on chapter IV of the draft Convention, that the heavy responsibility which the Convention would lay on the Commission on Narcotic Drugs and the recent and prospective increases in the membership of the United Nations warranted an increase in the membership of the Commission. Such an increase was a matter for the Economic and Social Council, and the purpose of the draft resolution was to invite the Council to consider the matter.

Mr. RODIONOV (Union of Soviet Socialist Republics), Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) and Mr. KAYMAKALAN (Turkey) considered

that the three-power draft resolution required some re-drafting in order to make it clear whether it referred purely to a numerical increase in the membership of the Commission on Narcotic Drugs or whether it had any bearing on the allocation of seats to particular States.

Dr. MABILEAU (France) said it was his understanding that States not members of the United Nations had shown an interest in the possibility of access to membership in the Commission on Narcotic Drugs; that fact should be brought to the attention of the Economic and Social Council.

Mr. ELGONI (Chad) said that it might assist the Conference if the sponsors of the draft resolution would suggest a figure to which the membership of the Commission might be raised.

Mr. von SCHENCK (Switzerland) said that his delegation had submitted its draft resolution (E/CONF.34/L.40) for the following reasons. The decisions of the Commission on Narcotic Drugs, as the functional organ entrusted with the application of the Convention, would be binding on all parties. Under article 6, contributions to the expenses of the international drug control organs would be required from parties not Members of the United Nations. Therefore the exclusion of such parties from access to membership in the Commission on Narcotic Drugs would, in his delegation's view, constitute unjustifiable discrimination. All parties to the Convention should have equal rights and obligations. The Swiss draft resolution invited the Council to examine ways of opening the possibility of eventual membership of the Commission on Narcotic Drugs to all parties to the Convention. He was, however, withdrawing the text of that proposal in favour of the three-power draft resolution (E/CONF.34/L.43) in order to facilitate the proceedings of the Conference.

Mr. TABIBI (Afghanistan) said that, while the main purpose of the three-power draft resolution was a numerical increase in the membership of the Commission on Narcotic Drugs, the proposal had been left in a vague form because it was for the Economic and Social Council rather than for the Conference to consider the allocation of seats in the Commission. At the moment, the Commission consisted of five permanent members and ten non-permanent members chosen from among the remaining ninety-four Members of the United Nations, which would soon be even more numerous. The question of access to the Commission for States not Members of the United Nations was for the Council to decide in the light of the observations made at the Conference.

Mr. RODIONOV (Union of Soviet Socialist Republics) proposed that the Conference should adjourn its discussion of the three-power draft resolution until its next meeting.

It was so agreed.

The PRESIDENT invited the Conference to consider the draft resolution relating to the control of barbiturates (E/CONF.34/L.38 and Corr.1).

³ Text revised by the drafting committee subsequently circulated as E/CONF.34/L.27/Rev.1.

Mr. ISMAIL (United Arab Republic) asked his co-sponsors of the draft resolution (E/CONF.34/L.38) whether they would agree to the addition of the words "tranquillizers and amphetamines" in the title. Those drugs had been a problem in his country since 1954. Pharmacists were forbidden to supply them except on medical prescription, and were required to keep registers of quantities acquired and dispensed; the stocks of those drugs at hospitals and pharmacies were subject to strict supervision; but the problem was not yet solved. In 1960 some types of such drugs had been placed by Ministerial Order in schedule I of the Narcotic Law, thus becoming subject to the same regulations as morphine and synthetic drugs.

Mr. HOLZ (Venezuela), speaking as one of the sponsors, said that the title "Control of barbiturates" had been chosen because barbiturates were most dangerous drugs. His delegation would not oppose the addition requested by the United Arab Republic representative but asked for a separate vote on it.

The sponsors had wished to draw attention to a problem of increasing concern to national health authorities: certain drugs in the barbiturate group were habit-forming and capable of producing addiction. He had originally raised the question at the eighth meeting of the technical committee and urged the Conference to adopt a resolution on the subject.

The addictive properties of barbiturates had been made known through the fundamental work of Isbell & Fraser in 1950, and had been recognized by the WHO Expert Committee on Addiction-producing Drugs. More recently some of the so-called "tranquillizers" had been suspected of possessing addictive properties, though in a less marked form than the barbiturates. The Commission on Narcotic Drugs, at its twelfth session (E/3010/Rev.1, paras. 376-388), had considered a draft resolution (E/CN.7/L.150) and had eventually adopted two resolutions (*ibid.*, annex II). Resolution VI recommended governments to take the appropriate legislative and administrative measures of control to prevent the abuse of barbiturates. Resolution VII recommended governments to keep a careful watch for any abuse of the so-called "tranquillizing" or "ataxatic" drugs with a view to taking any necessary measures of control. The Venezuelan Government was studying ways and means to implement resolution VI. It had not yet considered similar action in respect of tranquillizers.

Since the addictive properties of barbiturates had been proved, his delegation considered that the Conference had a duty to act on that problem.

Mr. BITTENCOURT (Brazil) explained that the sole purpose of the draft resolution was to draw attention to the great danger of the increasing use of barbiturates, which were capable, in certain circumstances, of producing addiction. It suggested action which governments might take to establish strict control and referred to possible international action later. Unfortunately, not all countries submitted barbiturates to strict control as addiction-producing drugs. Only recently had experts succeeded in proving the existence of a

withdrawal syndrome in persons treated by barbiturates. Then, realizing the danger of such substances, doctors had begun to administer non-barbiturate sedatives, or tranquillizers, as they were more commonly called, but had been disconcerted to find that those substances, too, were liable to be habit-forming.

In view of the social danger of barbiturates, the Brazilian delegation had joined the other sponsors in submitting the draft resolution to the Conference, which it considered an appropriate body to discuss the subject. The question was not a new one. Since, in the opinion of WHO, the dangers involved in the abuse of tranquillizers, or ataraxics, were not as clear as in the case of barbiturates, and only certain drugs of the type were classified as potentially habit-forming, the sponsors had preferred to limit the scope of their draft resolution to barbiturates in the hope that governments would exercise similar vigilance in respect of the other substances.

Mr. GREEN (United Kingdom), speaking on a point of order, said he would like to be sure that the Conference was acting within its terms of reference in discussing the draft resolution. He regretted having to raise the point, as he sympathized with the aims of the sponsors.

The PRESIDENT said that it would have been out of order for the draft resolution to be discussed in connexion with the Convention. Since, however, the Conference was now dealing with draft recommendations and resolutions, it was free to make any recommendations that were cognate to the general subject with which it was dealing. Accordingly, he did not think that the Conference would be exceeding its terms of reference in discussing the draft resolution.

Mr. CHIKARAISHI (Japan) agreed with the delegation of the United Arab Republic that the words "and amphetamines" should be added to the title of the draft resolution, and the same words should also be added after "the abuse of barbiturates" in the second preambular paragraph. While it was true that amphetamines had the opposite effect to barbiturates, they could also be habit-forming and he therefore considered it desirable that they should receive the same consideration in the draft resolution as barbiturates.

Mr. LÜTEM (Turkey) said that, in view of the social problem confronting many countries in connexion with the serious withdrawal syndrome caused by barbiturates, the resolution should be given full consideration.

Mr. JOHNSON (Liberia) said that while his delegation sympathized with the moral principles motivating the sponsors of the draft resolution, it would be unable to endorse the proposal, since it considered that the substances in question, not being narcotic drugs, did not fall within the scope of the Convention.

Mr. KRUYSSSE (Netherlands) said that his delegation was aware of the dangers of the use and abuse of barbiturates and amphetamines and agreed with the sponsors concerning the need for strict national

control. However, the draft resolution went a step further and envisaged international control. He did not consider that the Conference was competent to deal with such a difficult question; it had been considered on various earlier occasions by the Commission on Narcotic Drugs, which had never gone so far as to propose international control. Therefore, so long as it was possible to control the abuse of the substances by national measures, the subject should continue to be dealt with by the Commission; if at any time that body obtained information indicating a need for international co-operation, the question could be taken up then. At the moment, therefore, his delegation was opposed to the recommendations contained in operative paragraph 2 of the draft resolution. The remainder of the resolution was merely a reiteration of an earlier Commission resolution. The Netherlands was therefore unable to support it.

Mr. ADJEPONG (Ghana) said that in his country barbiturates were on the list of restricted drugs which could be supplied only upon prescription, and appropriate measures were being taken to limit their use. However, Ghana saw no need for international intervention, since barbiturates were not on the list of addiction-producing drugs. As it had adequate measures of national control, it was therefore opposed to the draft resolution.

Mr. KENNEDY (New Zealand) agreed with the delegations which considered that if the subject were to be discussed, barbiturates and amphetamines should be grouped together. However, New Zealand shared the view of the Netherlands and Ghana that the matter was essentially one of national concern. In New Zealand, adequate steps were being taken to control abuse and, for practical purposes, barbiturates, tranquillizers and amphetamines were treated in the same way as narcotics. Since his delegation considered operative paragraph 2 of the draft resolution inappropriate, it proposed its deletion.

Mr. ELGONI (Chad) congratulated the sponsors on having introduced a most pertinent draft resolution. However, he thought that, in view of the danger of barbiturates and the need to take very stringent control measures concerning them, operative paragraph 1 might be more strongly worded. He therefore proposed that the word "strict" before the word "control" in operative paragraph 1 should be replaced by the word "severe".

Mr. LIANG (China) supported the draft resolution and the inclusion of tranquillizers and amphetamines within its scope.

Mr. GREEN (United Kingdom) said it was inappropriate to discuss such a broad question at the Conference. If a resolution on barbiturates was adopted, it might give rise to two misunderstandings. First, it might not be clear whether the Convention was meant to cover such substances as well as the drugs in the schedules. Secondly, the Conference would give the impression that it had carefully considered the question, which was not the case. Although he agreed with the draft resolution in principle, he could not support it

in the present context. Furthermore, he could not support operative paragraph 2, because he did not think that the time had come for the imposition of international controls.

Mr. HOLZ (Venezuela) pointed out that operative paragraph 2 did not request any United Nations organ to take any measure whatsoever; all that was recommended was that they should examine the necessity and possibility of adopting certain measures.

It had been said that barbiturates were not narcotic drugs and that, therefore, the draft resolution was out of order. There was abundant evidence to show that the barbiturates were addiction-producing and that in their case the withdrawal syndrome was more marked than in that of morphine. That proved that barbiturates were narcotic drugs.

It was true that the Convention concerned only the drugs in the schedules; he pointed out, however, that the draft resolution did not propose the inclusion of a provision concerning barbiturates in the Convention itself. The draft resolution was intended to form part of the Final Act.

It had further been argued that the control of barbiturates was purely a national problem and that, therefore, no international control was required; actually, however, he was in a position to state that there was an increasing illicit traffic in barbiturates in Venezuela, involving smuggling by land and sea. International control measures were therefore needed and he wished to press operative paragraph 2. Still, as opinion seemed to be divided on that paragraph, he asked for a separate vote on it and also on the inclusion of the words "tranquillizers and amphetamines" in the title and in the second paragraph of the preamble.

Mr. LÜTEM (Turkey) agreed with the previous speaker that there could be no doubt that barbiturates were narcotic drugs. Although the illicit traffic in barbiturates had not yet reached substantial proportions, it had begun and should be nipped in the bud. It was true that it was late in the Conference to introduce such a subject, but time should be found for the discussion of so important a matter. The countries which produced natural narcotic drugs had always been accused of waiting until the evils of drug addiction and the illicit traffic had reached alarming proportions before they acted. The draft resolution was an attempt to kill the evil before it assumed international proportions.

Mr. TABIBI (Afghanistan) proposed that the Conference should decide the question of its competence to adopt such a resolution.

The PRESIDENT invited the Conference to vote on the question of competence, under rule 32 of the rules of procedure.

The Conference decided by 23 votes to 14, with 25 abstentions, that it was competent to adopt such a resolution.

The PRESIDENT invited the Conference to vote on the amendments proposed to the draft resolution on the control of barbiturates.

By 18 votes to 8, with 23 abstentions, the Conference decided to insert the words "tranquillizers and amphetamines" in the title and preamble.

The PRESIDENT put to the vote the proposal of the representative of Chad that the word "strict" in operative paragraph 1 should be replaced by the word "severe".

The result of the vote was 6 in favour and 4 against, with 35 abstentions.

That proposal was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT put to the vote the preamble and operative paragraph 1, as amended.

The result of the vote was 25 in favour, 13 against and 8 abstentions. The preamble and operative paragraph 1, as amended, were not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT said that, as the major portion of the draft resolution had been rejected, there was no need to take a vote on operative paragraph 2.

Report of the credentials committee

The PRESIDENT invited debate on the report of the credentials committee (E/CONF.34/18).

Mr. VERTES (Hungary) moved that the debate on the report should be postponed until the next meeting.

The motion was rejected by 17 votes to 16, with 9 abstentions.

Mr. BUVAILIK (Ukrainian Soviet Socialist Republic) moved the adjournment of the meeting.

The motion was rejected by 22 votes to 19, with 2 abstentions.

The PRESIDENT announced that, since the report had been issued two more States, Cambodia and Jordan, had furnished credentials duly issued in accordance with rule 3 of the rules of procedure.

Mr. VERTES (Hungary) said it was unfortunate that the harmonious atmosphere in which the Conference had conducted its work should be disturbed at the conclusion by discordant notes. It was, however, a matter of common knowledge where the responsibility for that discord lay. The United States delegation in the credentials committee had sought to cast doubt on the credentials of the Hungarian delegation, and it had defended the credentials of one of its Far Eastern allies. Of course, the attitude of that government would soon change on both those points, but in the meantime it was not the Hungarian People's Republic nor the Chinese People's Republic which would be discredited by that policy. The action taken by the United States delegation in the credentials committee engendered a climate of cynicism in international organizations and undermined the authority of the United Nations.

The Hungarian delegation had done its utmost, in a spirit of co-operation, to further the success of the Conference. And yet the United States delegation had introduced a motion (report, para. 5) that the Committee

should take no decision regarding the credentials of the Hungarian delegation, on the pretext of the Hungarian Government's non-compliance with the United Nations resolutions—resolutions which were simply a product of the "cold war". It was high time that the Department of State of the United States realized that the cynical device of making use of the Hungarian People's Republic for the purposes of the "cold war" would not add to the international prestige of the United States but rather would poison the international climate. Since, in contrast, the Hungarian delegation did not wish to poison the international climate, it would not ask for a separate vote on paragraph 5 of the report, although it was obvious that the forty-eight delegations which had voted for the Hungarian representative as a vice-president of the Conference would vote in favour of accepting the credentials of the Hungarian delegation. However, as a protest, it would vote against approval of the credentials committee's report.

Mr. RODIONOV (Union of Soviet Socialist Republics) regretted that the United States motion concerning the Hungarian credentials had converted a conference devoted to humanitarian purposes into a forum of political discussion. The Hungarian People's Republic was a member of the Economic and Social Council; the Council had invited the Hungarian People's Republic to attend the Conference; and the United Nations Office of Legal Affairs had accepted the Hungarian delegation's credentials. In those circumstances, it was utterly absurd to question the validity of those credentials. Moreover, the Conference would be departing from its objective if it took the position proposed by the credentials committee.

His delegation also wished to protest against the credentials committee's decision sustaining the Chairman's ruling that the USSR proposal not to recognize as valid the credentials of the so-called Chinese representative was out of order. The General Assembly resolutions on which the Chairman had based his ruling had nothing whatever to do with the Conference.

The meeting rose at 7.35 p.m.

FORTY-FIRST PLENARY MEETING

Friday, 24 March 1961, at 11.15 a.m.

President: Mr. SCHURMANN (Netherlands)

Report of the credentials committee (concluded)

The PRESIDENT invited the Conference to continue its debate on the report of the credentials committee (E/CONF.34/18).

U TIN MAUNG (Burma) noted that two members of the credentials committee had been absent from its meeting on 6 March. With regard to the representation of China (report, paras. 8, 9 and 10), he said that his delegation were well known. As his government recog-

nized the Central People's Government of the People's Republic of China as the legitimate government of China, it supported the USSR proposal that the credentials of the so-called Chinese representative at the Conference should not be recognized as valid.

With regard to paragraph 11 of the report, he stated that, in the view of his government, the government headed by Mr. Gizenga and not the regime of Mr. Kasa-Vubu represented the Congolese people.

Referring to the United States motion cited in paragraph 5 of the report, he said that his delegation regarded the motion as out of order and would not support it. Burma maintained normal diplomatic relations with the Hungarian People's Republic. Moreover, a representative of that country had been elected Vice-President of the Conference. In the circumstances, it was difficult to understand how the Conference could refuse to recognize the validity of the credentials submitted by the Hungarian delegation.

The delegation of Burma would vote in favour of the credentials committee's report as a whole, but would request a separate vote on the paragraphs he had cited.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the Soviet Union recognized the government headed by Mr. Gizenga, the successor of Mr. Lumumba, as the legitimate government of the Republic of the Congo (Leopoldville). Consequently, the Soviet delegation could not regard as valid credentials signed by Mr. Kasa-Vubu. The recent participation of Mr. Kasa-Vubu in the dismemberment of the Congo further confirmed the soundness of the Soviet Government's views.

Mr. CERNIK (Czechoslovakia) noted that the majority of the members of the credentials committee, following the lead of the United States, had questioned the validity of the credentials of the Hungarian delegation to the Conference without any justification whatsoever. That was an attempt to interfere in the internal affairs of the Hungarian People's Republic, a Member of the United Nations which was discharging its international obligations and whose delegation was taking part in the work of the Conference. The Hungarian People's Republic had been invited by the Secretary-General of the United Nations to take part in the Conference, and a representative of that country had even been elected to the office of vice-president. The credentials of its delegation were valid because they had been drawn up in accordance with the legislative provisions of the Hungarian People's Republic. It was to be deplored that the United States delegation should have sought in that way to disrupt the smooth course of the Conference's work.

He was also surprised that the credentials committee had decided to recognize as valid the "credentials" of certain persons claiming to represent the Chinese people; in his delegation's view, only the representatives of the Central People's Government of the People's Republic of China were authorized to speak on behalf of China.

With regard to the representation of the Congo (Leopoldville), the Czechoslovak delegation could not recognize credentials which had not been conferred by the

government of Mr. Gizenga, the only legitimate government of the Republic of the Congo.

Mr. ADJEPONG (Ghana) said that the Conference had been convened to discuss matters affecting the welfare of mankind. It was therefore regrettable that it should be asked to deal with problems arising out of the "cold war". The delegation of Ghana requested a separate vote on the controversial paragraphs of the report so that it could clearly indicate its position in each case.

Mr. BITTENCOURT (Brazil) said that his country had recently established diplomatic relations with the Hungarian People's Republic. The Conference should recognize the credentials of the Hungarian delegation as valid, and if a separate vote was taken on the part of the committee's report dealing with that question, the Brazilian delegation would vote in favour of their validity.

With regard to the representation of China, he said the Conference was not the organ competent to discuss and settle the question. While the Brazilian delegation would vote for the committee's report, including the decision to recognize the credentials of the Chinese delegation as valid, it wished to point out that its attitude in no way altered the desire of the Brazilian Government that an item relating to the question of the representation of China should be placed on the agenda of the next session of the General Assembly.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) said it was regrettable that neither the legitimate representatives of the Chinese people—those of the Central People's Government of the People's Republic of China—nor those of the Democratic Republic of Vietnam, nor those of the German Democratic Republic were taking part in the Conference. Those three countries alone had a population of over 600 million in the aggregate, and it would have been the normal course to invite them to the Conference.

The position of the credentials committee regarding the credentials of the Hungarian delegation was unfair because those credentials were in good and due form. The credentials submitted by the Congolese delegation, on the other hand, were not, because they did not emanate from the government headed by Mr. Gizenga, which was the only legitimate government of the Republic of the Congo (Leopoldville).

Mr. WEI (China) noted that, according to the report of the credentials committee, the credentials of the Chinese delegation were fully valid. The USSR proposal that those credentials should not be recognized as valid had been ruled out of order.

On constitutional grounds, the Government of the Republic of China was the only legitimate Chinese government; it had always represented China in the specialized agencies and in the United Nations, of which it was one of the founding Members. It was active in the campaign against drug addiction and was a party to all the international conventions on narcotic drugs. On the other hand, the Chinese communist regime, which had been condemned by the United Nations,

maintained itself in power through terror, and disregarded fundamental human rights. It was the principal international trafficker in narcotic drugs, and its victims were mainly the peoples of South-East Asia.

In any event, the credentials committee had done no more than observe the procedure adopted by the General Assembly. The Chinese delegation also supported the committee's decision regarding the representation of Hungary. If a separate vote was taken on the part of the report dealing with the question of the representation of China, he would request that it be taken by roll-call.

Mr. TABIBI (Afghanistan) said that his delegation wished to express reservations with regard to the report of the credentials committee. Afghanistan recognized the Central People's Government of the People's Republic of China as the only legitimate government of China.

The credentials of the Hungarian delegation, which was taking a very active part in the Conference, should be confirmed. On the other hand, the Afghan delegation would abstain from voting on the question of the representation of the Republic of the Congo (Leopoldville)—if that question was put to the vote separately—because the views of the Members of the General Assembly were divided on that subject.

Mr. ANDONI (Albania) said that the only government capable of speaking on behalf of the Chinese people and of discharging the obligations deriving from the Convention was the Central People's Government of the People's Republic of China. Hence, only a delegation accredited by that government could represent China at the Conference.

The validity of the credentials of Hungary could not be questioned, for they were in conformity with the Hungarian Constitution and with the rules of procedure of the Conference. Moreover, the Hungarian delegation had been duly invited to the Conference and was playing an important part in it; a representative of Hungary held the office of vice-president.

In the case of China as in that of Hungary, the majority of the members of the credentials committee had not taken the interests of the Conference into account but had surrendered to the pressure of the United States and resorted to "cold war" techniques.

The Albanian delegation shared the views of the USSR representative with respect to the credentials of the Congolese delegation.

Mr. BANERJI (India) said that, although he would vote for the committee's report, he had certain reservations. First, his delegation recognized the validity of the credentials of the Hungarian delegation, for India maintained diplomatic and economic relations with the Hungarian People's Republic. Secondly, in the view of the Indian delegation the only legitimate government of China was the Central People's Government of the People's Republic of China, and that government had the right to be represented in the United Nations and at the Conference.

The Indian delegation's vote for the committee's report should not be construed to mean that the Govern-

ment of India recognized either of the regimes in the Congo. The only authority which it recognized was that of President Kasa-Vubu, the Chief of State.

Mr. MOLEROV (Bulgaria) said that the United States motion introduced in the Committee regarding the credentials of the representatives of Hungary was not well founded. It was all the more surprising as the United States had diplomatic relations with the Hungarian People's Republic, which was a Member of the United Nations and, as such, was taking part in the Conference. The Hungarian delegation's credentials were in conformity with the Hungarian Constitution.

On the other hand, it was impossible to recognize the validity of the credentials of the Chinese delegation because it was illegally occupying a seat which belonged by right to the representatives of the Central People's Government of the People's Republic of China.

With reference to the Congolese delegation, he said that ever since the murder of Mr. Lumumba, his country had recognized the government headed by Mr. Gizenga as the legitimate government of the Republic of the Congo (Leopoldville). Accordingly, it did not consider credentials which did not emanate from that government to be valid.

Mr. FINGER (United States of America) said that the decision on the representation of Hungary had been taken by the credentials committee as a whole and was not, as the representatives of the socialist countries seemed to say, attributable solely to the United States delegation.

The Government of the Hungarian People's Republic continued to scorn the General Assembly's resolutions, and it was for that reason that the Assembly, taking into account the political situation, had decided to take no decision on the validity of the Hungarian delegation's credentials. At the time of the Hungarian people's uprising, Mr. Nagy's government had declared its neutrality. However, Soviet troops had suppressed the revolt. It was therefore hardly surprising that the regime at present in power in Hungary enjoyed the support of the Soviet Union. At all events, the decision of the credentials committee did not cast any reflection on the personal competence of the Hungarian specialists attending the Conference.

So far as the representation of China was concerned, he said that the Conference had been convened by virtue of Economic and Social Council resolution 689 (XXVI), in which the Secretary-General had been requested to invite to the Conference all States Members of the United Nations and States members of the specialized agencies. The Republic of China was a Member of the United Nations, and its delegation was perfectly qualified to represent China, as had been recognized by the General Assembly. The credentials committee was accordingly not called upon to question the validity of the representation of China and had on that account rejected the proposal of the USSR.

The representation of the Congo (Leopoldville) was a more difficult problem. It was doubtful whether a decision by means of a separate vote on paragraphs 11

and 12 of the credentials committee's report would be in order.

Mr. KHAMIS (United Arab Republic) said that only a delegation accredited by the Central People's Government of the People's Republic of China could lawfully represent China at the Conference and in the other United Nations organs. As for the Hungarian People's Republic, he said that country was a Member of the United Nations and was participating in the work of the Conference by virtue of Economic and Social Council resolution 689 (XXVI). With regard to the Republic of the Congo (Leopoldville), the only government having the right to send a representative to the Conference was that of Mr. Gizenga.

Mr. PRAWIROSOEJATMO (Indonesia) said that, while he would vote for the adoption of the credentials committee's report as a whole, Indonesia recognized the Central People's Government of the People's Republic of China as the only lawful government of that country. In addition, he considered that the credentials of the Hungarian delegation were perfectly valid.

Mr. NIKOLIC (Yugoslavia) said that he would vote for the adoption of the credentials committee's report as a whole. Nevertheless he considered that the People's Republic of China had the right to a seat in the United Nations. Also, he did not wish his vote to be interpreted as endorsing the credentials committee's decision regarding the Hungarian delegation. In connexion with the Republic of the Congo (Leopoldville), he said that Yugoslavia's position had been very clearly set forth by its representative in the General Assembly.

Mr. BRUNNER (Federal Republic of Germany) said that the representative of the Ukrainian SSR had been wrong in linking the question of the representation of China with that of the representation of the German people in the Soviet zone of occupation, since the two matters were completely unrelated. The opinion of that part of the German people was not difficult to determine and was evidenced by the fact that they were abandoning their property and their country.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that the remarks of the representative of the Federal Republic of Germany were out of order, since they were an insult to the German Democratic Republic. If the representative of the Federal Republic of Germany continued along those lines, he himself would be obliged to state his position in detail. He asked the President to rule that the remarks of the representative of the Federal Republic of Germany were out of order.

The PRESIDENT stated that, as other representatives had spoken on that question, the representative of the Federal Republic of Germany was also entitled to do so.

Mr. BRUNNER (Federal Republic of Germany) repeated that the part of the German population to which he had referred could not express its opinions freely, and he added that 15,000 persons left the Soviet

zone every month. It might be said that they "voted with their feet".

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he regretted the political colouring of the discussion. The United States representative's stand on China and Hungary was not logical, and in any case no judgement could be passed on the activities of the Hungarian Government, since that would imply interference in that country's internal affairs. Furthermore, everyone knew the real causes of the counter-revolutionary *putsch* in Hungary. He hoped that the representative of the United States would refrain from raising any more political questions.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic), wishing to correct the assertions of the representative of the Federal Republic of Germany, said that he had confined himself to expressing regret that the German Democratic Republic was not represented at the Conference. The government of that country included no war criminals or revanchistes; it had a large industry and was working for international co-operation. He expressed the hope that the participants in the Conference would confine themselves to technical matters.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) protested against the United States motion, which had been approved by some other members of the committee, on the credentials of the representatives of Hungary. The credentials were in order because they were in conformity with the relevant provisions of the Constitution of the Hungarian People's Republic and with the rules of procedure of the Conference. On the other hand, the participation of the so-called representative of China in the work of the Conference was irregular; only the delegation accredited by the Central People's Government of the People's Republic of China could lawfully represent that country. The credentials presented by the delegation of the Republic of the Congo (Leopoldville) were not valid because they had not been issued by the government of Mr. Gizenga.

Referring to the remarks of the representative of the Federal Republic of Germany, he said he was surprised that the President had not ruled them out of order, for they constituted an attack against the Government of the German Democratic Republic. The Byelorussian SSR recognized the existence of two German States which should have equal rights and which should have been invited to attend the Conference on equal terms.

Mr. FINGER (United States of America) stated that he had spent two years in Hungary, and that he maintained everything he had said.

Mr. WIECZOREK (Poland) said that he could not approve the decision taken by six members of the credentials committee concerning the representation of China and the Republic of the Congo (Leopoldville). The fact that the Chinese people was not lawfully represented at the Conference greatly weakened the importance of the Conference and the scope of the Convention, and also showed that some countries placed selfish interests before the cause of international co-operation. To repre-

sent validly the Republic of the Congo, the delegation of that country should have been accredited by the government of Mr. Gizenga, temporarily at Stanleyville.

In adopting the United States motion referred to in paragraph 5 of the report, the committee had taken a regrettable discriminatory stand incompatible with the aims of the Conference. The representative of Hungary had participated actively in the work of the Conference, and had been elected Vice-President; Hungary had, furthermore, submitted a report on poppy straw which had enabled the Conference to take important decisions. Moreover, the credentials of the Hungarian delegation were in conformity with the Constitution of the Hungarian People's Republic. It was therefore difficult to understand why they had given rise to any doubt.

The representative of the Federal Republic of Germany had made a deplorable attack on the German Democratic Republic, which was not represented at the Conference and hence not able to defend itself.

Mr. VERTES (Hungary) said that the Conference should confine itself to technical problems. The attitude adopted by the United States representative could only intensify the "cold war". The decision of the credentials committee conflicted with the wishes of the people, which would ultimately prevail.

Mr. LOPEZ (Paraguay) regretted that the name of his country appeared in paragraph 4 of the credentials committee's report. The credentials of the delegation of Paraguay had been sent in the form of a cable and would shortly be confirmed by letter; special circumstances alone could explain the fact that the document in question had not yet reached the Secretariat.

Mr. MAURTUA (Peru), also referring to paragraph 4 of the report, said that rule 3 of the rules of procedure of the Conference did not specify that credentials should bear an autograph signature. His delegation's powers had been granted by a governmental decision which had been signed by the President of the Republic and the Minister for Foreign Affairs. Surely, mere defects of form should not debar a delegation from signing the Convention.

Mr. LEDESMA (Argentina) agreed.

Mr. NIKOLIC (Yugoslavia) said that separate votes on particular paragraphs of the report would be out of the question, for several paragraphs embodied a statement of the views of certain delegations—and they certainly had the right to state their opinions. It should be noted that the committee had approved the report unanimously.

The PRESIDENT agreed, and thought that the Conference should vote on the report as a whole.

Mr. FINGER (United States of America) shared the views of the representative of Yugoslavia and the President.

The PRESIDENT suggested that the Conference should vote on the credentials committee's report as a whole.

It was so decided.

The report was adopted by 48 votes to 1, with 2 abstentions.

Mr. JOHNSON (Liberia) said that his vote for the report should not be interpreted as expressing any opinion on the political questions which had been raised and which in any case were outside the competence of the Conference.

Draft resolutions

(resumed from the previous meeting)

The PRESIDENT invited the Conference to resume consideration of the joint draft resolution submitted by Afghanistan, India and Switzerland concerning the membership of the Commission on Narcotic Drugs (E/CONF.34/L.43).

Mr. BITTENCOURT (Brazil) considered the draft resolution superfluous and unjustified. To ask the Council forthwith to study the increase of the membership of the Commission on Narcotic Drugs, in the light of a convention that was not yet in force and did not as yet exist, would be premature and was like putting the cart before the horse, since the Single Convention might not enter into force for several years. Furthermore, it was more a responsibility of the General Assembly or of the Council on its own initiative to recommend any change in the membership of that Commission. He was therefore unable to support the draft resolution.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that, while not opposed to the principle of an increase in the membership of the Commission, he considered that the Council could take up the matter on its own initiative. With regard to the possible admission to membership of the Commission of States not Members of the United Nations—an idea adumbrated by the representative of Switzerland—he said that was a more important question and one which the Conference was not empowered to resolve. In addition, he could not agree to the wording of the first preambular paragraph of the draft resolution. As, in his view, the Commission could only make recommendations, the statement that its decisions would impose obligations on all parties to the Convention was unacceptable.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that the idea of the participation of States not Members of the United Nations in the functional commissions of the Economic and Social Council was far from receiving general recognition; in fact, such States could not be members of the functional commissions. That was why, for example, the Council had by resolution 751 (XXIX) set up a Committee for Industrial Development, even though General Assembly resolution 1431 (XIV) had spoken of a "commission" for industrial development. He hoped, therefore, that the sponsors of the draft resolution would not press for its adoption. In any case, the question would not become relevant before the Convention had come into force.

Mr. ACBA (Turkey) said that he was prepared to support the draft resolution on the understanding that the word "membership" would be interpreted in a quantitative rather than in a qualitative sense. It would be premature to review the membership of the Commission on Narcotic Drugs before the Convention had entered into force.

Mr. TABIBI (Afghanistan) pointed out that conferences of plenipotentiaries usually adopted various resolutions. The Conferences on the Law of the Sea held at Geneva in 1958 and 1960 had done so, and Brazil, which had taken part in them, had not opposed such resolutions. It would be scarcely practicable to call another conference of plenipotentiaries, after the entry into force of the Convention, merely in order to adopt resolutions. Moreover, the Conference was the body best qualified to make recommendations to the Economic and Social Council in the matter of combating drug addiction.

The representative of the USSR had agreed that it would be fair to increase the membership of the Commission. That was, in fact, the main aim of the draft resolution before the Conference. The representatives of the new States Members of the United Nations would readily agree that the membership of the Council's Commission on Narcotic Drugs, which included only five non-permanent members out of fifteen, should be changed.

Referring to the USSR representative's criticism of the first preambular paragraph, he said that the Afghan delegation would gladly agree to an amendment; what mattered most was the operative part.

Mr. ESTABLIE (France) thought that the Conference was competent to request the Council to examine the question of the Commission's membership, and in fact under the terms of the draft resolution the Council was not being asked to do anything more. Without expressing an opinion on the subject of the size and character of the membership of the Commission on Narcotic Drugs, his delegation saw no reason why the Council's attention should not be drawn to the problem, and it would therefore vote for the draft resolution.

Mr. BANERJI (India) said that the Conference had decided that the membership of the Control Board to be constituted under the Convention should be larger than that of its predecessor, and he was convinced that the membership of the Commission on Narcotic Drugs should also be enlarged. Some States might be more disposed to accede to the Convention if they saw some prospect of becoming members of the bodies responsible for applying its provisions. He agreed with the representative of Afghanistan that the essence of the draft resolution was in the operative paragraph, and he would therefore gladly agree to a modification of the first preambular paragraph.

Mr. von SCHENCK (Switzerland) pointed out that the Conference was not being asked to take a decision or even to make a recommendation, but merely to invite the Council to examine the question of the com-

position of the Commission on Narcotic Drugs. The Conference was fully competent to take such action.

He would agree, if that might help to shorten the discussion, to the deletion of the first two paragraphs constituting the preamble.

Mr. RODIONOV (Union of Soviet Socialist Republics) stressed that he was in favour of an increase in the membership of the Commission on Narcotic Drugs, but opposed to any change in the rules governing its composition. The Conference might perhaps take a decision on the principle of an increase in the number of the Commission's members.

Mr. von SCHENCK (Switzerland) said he would agree to the substitution, in the operative part of the draft resolution, of the word "examine" for the word "re-examine" and of the words "the question of an increase in the membership" for the expression "the composition".

Mr. TABIBI (Afghanistan), supported by Mr. BANERJI (India), agreed to those amendments. He hoped, however, that the second preambular paragraph would not be deleted, since the operative part of a resolution should be preceded by an explanatory passage.

Mr. BITTENCOURT (Brazil) said that he wished to clarify his earlier remarks. He agreed that conferences of plenipotentiaries had the right to adopt resolutions. He had objected to the original wording of the draft resolution for purely legal reasons. His delegation approved the principle of an increase in the membership of the Commission on Narcotic Drugs and would agree to a vote being taken on that principle.

Mr. NIKOLIC (Yugoslavia) said that he was unable to vote on the principle alone, as had been requested by the representative of the USSR. The Conference should indicate in the draft resolution the reasons for its action. He would therefore abstain from voting if the draft resolution was not preceded by an explanatory preamble.

The PRESIDENT noted that the sponsors of the draft resolution agreed that the operative part, as amended by them in the course of debate, constituted the essence of the draft. He therefore called for a vote on the following version of that paragraph:

*"Invites the Economic and Social Council to examine at its thirty-second session the question of an increase in the membership of the Commission on Narcotic Drugs, in the light of the terms of this Convention and of the views expressed on this question at this Conference."*¹

The paragraph was adopted by 41 votes to none, with 6 abstentions.

The meeting rose at 1.20 p.m.

¹ Text subsequently circulated as E/CONF.34/L.43/Rev.2.

FORTY-SECOND PLENARY MEETING*Friday, 24 March 1961, at 3.30 p.m.**President: Mr. SCHURMANN (Netherlands)***Draft resolutions (continued)**

The PRESIDENT drew attention to the draft resolution submitted by Canada concerning international control machinery (E/CONF.34/L.46/Rev.1).

Mr. CURRAN (Canada), introducing the draft resolution, said that its object was to invite the Economic and Social Council to consider a simplification of the control machinery because, as had been mentioned by several delegations, some States might encounter difficulties which were not entirely removed by the transitional provisions of the new Convention. The States in question were those which were parties to existing international treaties on narcotic drugs but would not accede to the Single Convention. The PCOB and DSB carried out certain functions with regard to those countries under the old conventions but such countries would not be legally bound by the new Convention. A study of the situation was therefore required.

The draft resolution was adopted by 37 votes to none, with 1 abstention.¹

**Consideration of the Single Convention
on Narcotic Drugs***Final reading*

The PRESIDENT drew attention to the consolidated re-draft of the Convention prepared by the drafting committee (E/CONF.34/21 and Corr.1 & 2, Add.1, Add.2 & Corr.1, Add.3, Add.4 & Corr.1-3), which would constitute the basic text for the final reading of the Convention.² He said that he proposed to put to the vote only those provisions concerning which there was any controversy, and added that it would be understood that, even after adoption, the provisions would be subject to drafting changes, renumbering and like editorial changes, including the concordance of the text in the five official languages.

He suggested that the Conference should consider the text article by article.

It was so agreed.

Article 2 (Substances under control)

Mr. BANERJI (India) asked whether he was correct in assuming that the provision to be added to paragraph 3 (E/CONF.34/21/Add.3) involved an accounting

¹ The reference to article 31 in the preamble was later changed, in consequence of the renumbering of the provisions of the Convention, to read "article 45", and the correct title of the convention was inserted.

² Further re-drafts were subsequently circulated as E/CONF.34/21/Add.5, 6 and 8.

only of the drugs used in preparations, not of the other ingredients or of the preparations manufactured.

Mr. GREEN (United Kingdom) said that the purpose of that provision was to prevent duplication of estimates and statistics, so that a drug would not be counted twice, once in the estimates and statistics for the drug itself and again when it was used in preparations.

Article 2 was adopted.³

Article 3 (Changes in the scope of control)

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, said that the square brackets in paragraphs 8 and 9 should be removed and the words "review by the Council as provided in article 10", at the end of paragraph 9, should be replaced by the words "the review procedure provided for in article 10". Footnotes 5 and 6 would be deleted.

Mr. BANERJI (India) thought that footnote 5 should not be deleted, as it contained a useful clarification.

Mr. GREEN (United Kingdom) said that, as footnotes were not desirable in the final text, the interpretation given in footnote 5 might appear in a commentary on the Convention.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he wished to make a statement regarding paragraph 1 which applied also to other provisions of the Convention. As his delegation had indicated before, it considered it undesirable that functions should be entrusted to the Secretary-General. They should be entrusted not to a person but to a body, the Secretariat. He would not press for a vote on the article but wished to record his abstention on it and on other articles which raised the same question.

Article 3 was adopted.

Article 4 (Obligations of parties)

Mr. CURRAN (Canada, speaking as chairman of the drafting committee, said that the interpretation given in footnote 8 might appear in a future commentary on the Convention.

Article 4 was adopted.

*Article 5 (The international control organs)**Article 6 (Expenses of the international control organs)*

Articles 5 and 6 were adopted.

Article 10 (Review of decisions and recommendations)

Article 10 was adopted.

Article 11 (Functions of the Commission)

Article 11 was adopted.

Article 13 (Composition of the Board)

Mr. ACBA (Turkey) proposed that the words "and connected with such countries" at the end of paragraph 3,

³ In all cases in which a provision is described as having been "adopted" at this and the next meetings, it should be understood that the conference took into account the corrigenda to the drafting committee's text.

should be replaced by the words "and who are nationals of such countries". The persons who knew most about the production, manufacture and consumption of drugs were the nationals of the producing, manufacturing and consuming countries. To lose sight of that point would be to disregard the principles of equitable distribution of the membership of the Board and adequate representation of the countries most intimately concerned with narcotic drugs.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, said that the drafting committee had preferred the expression "connected with", because what was needed was knowledge of the narcotics situation in the countries concerned, and such knowledge might be possessed by residents who were not nationals. Also, the committee had felt that there was some doubt about the interpretation of the word "national". It was the question of competence and expert knowledge that would be taken into account by the Economic and Social Council when electing the members of the Board; nationality was not the important consideration.

Mr. NIKOLIC (Yugoslavia) supported the Turkish amendment. As there was no point in reopening a question which had been exhaustively discussed, he urged that it should be put to the vote immediately.

The Turkish amendment was rejected by 13 votes to 8, with 19 abstentions.

Article 13 was adopted.

Article 14 (Terms of office and remuneration of members of the Board)

Article 14 was adopted.

Article 16 (Rules of procedure of the Board)

Article 16 was adopted.

Article 20 (Administration of the estimate system)

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the draft of the Single Convention was the outcome of two months' effort and contained many articles which would play a positive role in the campaign against drug addiction and illicit traffic. However, certain articles had been retained which, by excluding a number of important countries from the scope of the Convention, robbed it both of universality and of effectiveness. As a result of the hostile position adopted by the United States and its western allies, those countries had been prevented from fulfilling the humanitarian aims of the Convention. For those reasons, his delegation would vote against article 20 and other similar articles.

Article 20 was adopted by 35 votes to 5, with 3 abstentions.

Article 21 (Administration of the statistical returns system)

Mr. RODIONOV (Union of Soviet Socialist Republics) explained that his delegation would vote against

the article for the reasons he had given for voting against article 20.

Article 21 was adopted by 38 votes to 4, with 1 abstention.

Article 22 (Measures to ensure the execution of provisions of the Convention)

Article 22 was adopted by 39 votes to 4, with 2 abstentions.

Article 23 (Reports to the Council and parties)

Article 24 (Secretariat)

Articles 23 and 24 were adopted.

Article 25 (Special administration)

Mr. BANERJI (India) hoped that the explanation of the term "special administration" would be maintained either as a footnote or in a commentary.

Article 25 was adopted.

Article 26 (Information to be furnished to the Secretary-General)

Mr. RODIONOV (Union of Soviet Socialist Republics) thought that the words "from time to time" in paragraph 1 (b) were superfluous and might be deleted.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, explained that, under article 32 (Limitation on production of opium for international trade), certain States had a limited right to produce opium for international trade. It was possible that, at the time when the Convention came into force, the laws and regulations in force in a particular country would not reflect the provisions of article 32. The drafting committee had, therefore, deliberately inserted the words "from time to time" to make sure that countries would communicate to the Secretary-General the text of all laws and regulations, including those promulgated after the Convention's entry into force.

Article 26 was adopted.

Article 27 (Estimates of production and drug requirements)

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the problem of "special stocks" referred to in article 27 and in the following article did not arise in the socialist countries, where both special and normal stocks were under government control and there was no possibility of leakage.

Article 27 was adopted.

Article 28 (Statistical returns to be furnished to the Board)

Article 28 was adopted.

Article 29 (Limitation of manufacture and importation)

Miss PELT (Netherlands) said that she would not press for the inclusion of the provision which had been suggested by her delegation and which was set out in footnote 18.

Mr. BANERJI (India) wished it to be recorded that his delegation was in strong sympathy with the provision suggested by the Netherlands delegation.

Article 29 was adopted.

Article 31

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, pointed out that a provision analogous to that in paragraph 1 was repeated in article 35 in respect of the coca bush and in article 39 in respect of cannabis. He proposed that those provisions should be deleted from the three articles in question and that, instead, a single provision to the same effect and covering the cultivation of the opium poppy, the coca bush and cannabis should be inserted in the convention.

The proposal was adopted by 31 votes to 2, with 9 abstentions.⁴

The remaining paragraphs of article 31 were adopted.

Article 32 (Limitation on production of opium for international trade)

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation would vote against the article for reasons which he had explained earlier.

The PRESIDENT said that, since the Conference seemed to favour the second alternative text of paragraph 5 (ii), he would put that text to the vote first.

The second alternative text of paragraph 5 (ii) was adopted by 34 votes to none, with 2 abstentions.

Article 32 as a whole was adopted by 41 votes to 6.

Article 34 bis (Control of poppy straw)

Article 34 bis was adopted.

Article 35 (Restrictions on the cultivation or growth of the coca bush).⁵

Mr. BANERJI (India) suggested that paragraph 2 should be amalgamated with article 36.

It was so agreed.

Article 36 (The coca bush and coca leaves)

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, inquired whether the Conference considered that the words "the maximum period of four months" in the second sentence of article 36 conveyed the idea of "as soon as possible, but not later than four months".

Mr. BANERJI (India) suggested that it would be wiser to be more explicit.

Mr. MAURTUA (Peru) said that the Conference had decided earlier to set no specific time limit; accord-

ingly, he thought that the words "as soon as possible" should be used.

It was so agreed.

The PRESIDENT suggested that the sentence should be referred to the drafting committee and that the article should be adopted on that understanding.

It was so agreed.

Article 38 (Special provisions relating to coca leaves in general)

Article 38 was adopted.

Article 39 (Control of cannabis)

Article 39 was adopted.⁶

Article 40 (Manufacture)

Mr. BANERJI (India) pointed out that the phrase "control all persons and enterprises" in paragraph 2 (a) meant control in the form of laws and regulations, but not physical or police control. He hoped that a clarification of the word "control" would appear either in a footnote or a commentary.

Article 40 was adopted.

Article 41 (Trade and distribution)

Article 41 was adopted.

Article 42 (International trade)

Mr. von SCHENCK (Switzerland) said that his delegation had withdrawn its amendment to paragraph 15 in view of the declaration made on this subject by the representative of the Office of Legal Affairs, and that there was therefore no further need for footnote 25.

Mr. BANERJI (India), referring to paragraph 3 (a), expressed the view that licences for the import and export of drugs should also be required in the case of transactions of state enterprises.

Mr. KOCH (Denmark) explained that paragraph 3 (a) dealt only with the licensing of enterprises; certificates would still be required for the actual import or export.

Mr. BANERJI (India) thought that "Special provisions relating to international trade" would be a better title for the article. He also pointed out that the words "the government of that country or territory" at the end of the first sentence of paragraph 12 could mean either the country of original destination or the country of transit.

Mr. LANDE (Deputy Executive Secretary) thought that the phrase could only be interpreted to mean the country of transit, for that was the only country with effective authority over the shipment and in a position to know all the circumstances relating to it. The country of original destination had no such knowledge and could not take appropriate action from a distance.

⁴ The text of the provision concerning cultivation was circulated as E/CONF. 34/21/Add.8.

⁵ Paragraph 1 of this article was superseded by the special provision concerning cultivation.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation would vote against the article because it objected to paragraph 1 (b), which applied to countries that had been deprived of the possibility of acceding to the Convention.

Article 42 was adopted by 39 votes to 5, with 1 abstention.

Article 42 bis (Special provisions concerning the carriage of drugs in first-aid kits)

Dr. HALBACH (World Health Organization) thought that the words "in the case of emergency" in paragraph 3 should be brought into line with the words "for first-aid purposes or emergency cases" in paragraph 1.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, said that the committee had given careful consideration to the phrase and had concluded that emergency measures automatically included first-aid.

Article 42 bis was adopted.

Article 42 ter (Possession of drugs)

In reply to a question from Mr. NIKOLIC (Yugoslavia), Mr. YATES (Executive Secretary) said that the article had been included because there would have been a lacuna in the control system without a provision of the kind.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, said it had been previously agreed that some provision was necessary with regard to the illicit possession of drugs.

Article 42 ter was adopted.

Article 43 (Measures of supervision and inspection)

Mr. ISMAIL (United Arab Republic) proposed that the words "from the date of the last prescription" should be added at the end of sub-paragraph (b). Without the addition of that phrase, it would not be clear how the two-year period in question should be calculated. He requested a vote on his proposal.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, explained that the drafting committee had considered the question and had taken the view that the wording as it stood made it clear that the two-year period would begin to run from the date of issue of the last prescription.

The proposal of the United Arab Republic was rejected by 14 votes to 9, with 21 abstentions.

Article 43 was adopted.

Article 44 (Action against the illicit traffic)

Article 44 was adopted.

Article 45 (Penal provisions)

Mr. LEDESMA (Argentina) proposed that the proviso at the beginning of paragraph 1 should be drafted in the same terms as the proviso at the begin-

ning of paragraph 2. As paragraph 1 stood, its provisions were subject only to the constitutional limitations of the parties and not to their legal systems and domestic law. In Argentina and in many other States, particularly those of Latin America, an international convention duly ratified by Congress became national law; in Argentina the type of provision under consideration would become part of the penal code or, in other words, of the country's penal law.

Furthermore, some of the provisions of paragraph 1 came within the scope of the law of criminal procedure, a matter which in Argentina was reserved to the provinces, each enacting its own laws of criminal procedure.

He added that the Argentine Constitution, like that of most States, did not contain any penal provisions except those relating to sedition and treason. Penal provisions were enacted by statute; article 45, paragraph 1, of the Convention, which was a mere catalogue of offences, was so vague that, if it became national law upon ratification, it would give rise to difficulties of application.

Accordingly, to avoid difficulties in the application of paragraph 1, he proposed that the proviso should be broadened to take account of a country's legal system and domestic law.

Mr. CURRAN (Canada), speaking as chairman of the drafting committee, pointed out that the distinction between the obligations set forth in paragraph 1 and those in paragraph 2 was deliberate. It had been regarded as necessary to place the strongest possible obligation on the parties to ensure that the offences listed in paragraph 1 were made punishable.

Mr. LEDESMA (Argentina) said that he wished to maintain his proposal, since the constitutions of many countries contained no penal provisions.

Mr. GREEN (United Kingdom) said that if the obligation set out in paragraph 1 was made subject to the same proviso as the obligations set out in paragraph 2, the whole intention of paragraph 1 would be frustrated. It would simply amount to saying that a party should adopt the necessary measures to make certain crimes punishable unless its law provided otherwise. There would thus be no obligation at all.

Mr. BITTENCOURT (Brazil) supported the views expressed by the representative of Argentina, since in Brazil, too, the penal laws were not contained in the Constitution.

The PRESIDENT thought that there was some misunderstanding concerning the meaning of the words "subject to its constitutional limitations". The phrase surely meant that legislation could not be enacted if it would be contrary to a country's constitution. It did not mean that the constitution also had to embody the penal laws.

Mr. CURRAN (Canada) agreed with that interpretation. He thought that the text as drafted should not give rise to any difficulties. However, if there was to be a change in the wording, it should not reduce the obligation laid down in the paragraph.

Mr. De BAGGIO (United States of America) feared that the proposed amendment would unduly weaken the provision. The intention was to impose an obligation to make the offences in question punishable unless such action was precluded by a country's constitution, and not to make the obligation subject to a country's existing laws.

Mr. BITTENCOURT (Brazil) proposed, as a compromise, that the opening phrase in paragraph 1 should be amended to read "Subject to its constitutional limitations and legal system". Such a wording would avoid the reference to "domestic law" that was contained in paragraph 2.

The amendment was rejected by 17 votes to 11, with 2 abstentions.

Mr. NIKOLIC (Yugoslavia) said that the wording of paragraphs 3 and 4 was not clear. In particular, he did not see what the phrase "the criminal law . . . on questions of jurisdiction" in paragraph 3 could mean.

Mr. WATTLES (Office of Legal Affairs) said that the original text of that provision (in article 45, paragraph 4, of the third draft) had been much clearer. It stated: "Nothing in this article shall be prejudicial to the attitude of a party towards the general question of the limits of national criminal jurisdiction under international law." The clause was intended to cover the position of parties that were precluded by their criminal procedure from taking certain measures, such as punishing their own nationals or aliens for offences committed abroad. Paragraph 4 was intended to ensure that the procedural law of the parties should be preserved.

Mr. MAURTUA (Peru) said that the final passage of paragraph 2 (b), under which a party had the right to refuse to effect the arrest or grant the extradition if the competent authorities did not consider the offences sufficiently serious, was much too vague. Arrest or extradition should not depend on whether the authorities considered the offence serious or not, but on whether the offence was punishable. However, he did not wish to submit a formal amendment at so late a date.

Article 45 was adopted.

Article 46 (Seizure and confiscation)

Article 47 (Treatment of drug addicts)

Articles 46 and 47 were adopted.

Article 48 (Languages of the Convention and procedure for signature, ratification and accession)

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) said that the procedure for signature, ratification and accession, as laid down in the article, was unacceptable to his delegation because it would prevent many countries from becoming parties to the Convention. As it was too late to rectify that procedure, he wished to vote against the article.

Article 48 was adopted by 34 votes to 5, with 5 abstentions.

Article 49 (Entry into force)

Article 49 was adopted.

Article 50 (Territorial application)

Mr. BANERJI (India) said that article 50 was acceptable to his delegation, but he proposed that a footnote should be appended to it specifying that the inclusion of the article was without prejudice to the declaration contained in General Assembly resolution 1514 (XV).

Mr. RODIONOV (Union of Soviet Socialist Republics) said that he wished to record his abstention on article 50. He would have had no objection to the article if it had been included in the transitional provisions, a position where it would have been completely in harmony with General Assembly resolution 1514 (XV). He could not support it in its present position, but he was strongly in favour of the inclusion of the footnote proposed by the Indian representative.

Mr. Green (United Kingdom) said that he saw no necessity for including a reference to a General Assembly resolution about which there was no disagreement.

Mr. JOHNSON (Liberia), Mr. TABIBI (Afghanistan), Mr. ADJEPONG (Ghana) and Mr. SUTANTO (Indonesia) supported the Indian proposal.

The PRESIDENT pointed out that there were objections to including footnotes in the final text. The reference might be inserted in the Final Act or in some other appropriate place.

Mr. BANERJI (India) felt that the reference should appear in the basic document, as in the case of the notes to the Havana Charter.

Mr. NIKOLIC (Yugoslavia) supported the previous speaker.

Mr. RODIONOV (Union of Soviet Socialist Republics) strongly supported the inclusion of the reference proposed by India. It might even be included in the body of the Convention itself.

The PRESIDENT suggested that the choice of the place in which the reference should be inserted, whether in the Final Act or in some other official document of the Conference, should be left to the secretariat.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) pointed out that a summary record was also an official document of the Conference; the reference should appear in the Final Act.

Mr. BANERJI (India) said that he would vote for article 50 on the understanding that the reference he had proposed to General Assembly resolution 1514 (XV) would be included in the Final Act.

Article 50 was adopted.

The meeting rose at 7 p.m.

FORTY-THIRD (FINAL) PLENARY MEETING

Saturday, 25 March 1961, at 11.20 a.m.

President: Mr. SCHURMANN (Netherlands)

Consideration of the Single Convention on Narcotic Drugs

Final reading (concluded)

Title

The PRESIDENT noted that a number of delegations had proposed that the new Convention should be called the "General" or "Consolidated" Convention, since it could not properly be described as the "Single" Convention in view of the fact that the 1936 Convention was to remain in force.

Mr. BANERJI (India) thought that the adjective "consolidated" was inappropriate.

Mr. ACBA (Turkey), supported by Mr. DELGADO (Philippines), proposed that the title should be "Convention of 1961 on Narcotic Drugs".

Dr. MABILEAU (France) said that he would prefer the title "Convention on Narcotic Drugs".

Mr. CURRAN (Canada) said that conventions adopted by earlier conferences had generally been given a long and a short title, as in the case of the 1936 Convention. The title of the 1961 Convention would in any case be the "Single Convention", because the Conference had been convened for the specific purpose of drafting a single instrument to replace the existing texts. In the circumstances, he could not support the title "General Convention".

Mr. YATES (Executive Secretary) pointed out that the words "Single Convention" appeared in the name of the Conference, which could not be changed. Previous practice was of little assistance in the matter. While the title did not need to be long, it should contain a term that would make the Convention easily identifiable.

Mr. MAURTUA (Peru), agreeing with the Canadian representative, proposed that the Convention be known as the "Revised General Convention on Narcotic Drugs".

Mr. TABIBI (Afghanistan) and Mr. KENNEDY (New Zealand) said that they would prefer the title "Single Convention on Narcotic Drugs".

Mr. BITTENCOURT (Brazil), while also preferring the title "Single Convention", doubted whether it could properly be used in view of the fact that the 1936 Convention was to remain in force.

Mr. NIKOLIC (Yugoslavia) thought that the title "Single Convention" should be adopted, as it appeared in the name of the Conference and had been in use for some time. The fact that the 1936 Convention would continue in force was not a valid objection.

Mr. BANERJI (India) suggested that the Conference should adopt two titles, one indicating the exact character of the Convention, and a shorter title for general use.

Mr. DELGADO (Philippines) thought that the text of the Convention was quite clear and would support the majority view.

The PRESIDENT put to the vote the proposal that the Convention should have two titles.

The proposal was rejected by 25 votes to 9, with 8 abstentions.

The PRESIDENT put to the vote the title: "Convention of 1961 on Narcotic Drugs".

The title was rejected by 19 votes to 9, with 13 abstentions.

The PRESIDENT put to the vote the title: "Revised General Convention on Narcotic Drugs".

The title was rejected by 31 votes to 1, with 7 abstentions.

The PRESIDENT put to the vote the title: "General Convention on Narcotic Drugs".

The title was rejected by 25 votes to 5, with 9 abstentions.

The PRESIDENT put to the vote the title: "Consolidated Convention on Narcotic Drugs".

The proposal was rejected, not having received many favourable votes.

The PRESIDENT proposed that the Convention should be entitled the "Single Convention on Narcotic Drugs, 1961".

It was so decided.

The PRESIDENT invited the Conference to continue its consideration of the consolidated re-draft of the Single Convention prepared by the drafting committee (E/CONF.34/21 and addenda and corrigenda). As he had explained at the previous meeting, the text of the provisions adopted in final reading were subject to drafting changes.

Article 29 bis (Special provision applicable to cultivation)

The PRESIDENT said that in conformity with decisions taken at the preceding plenary meeting the drafting committee had drafted a special provision concerning the cultivation of the opium poppy, the coca bush and the cannabis plant (E/CONF.34/21/Add.8).

Article 29 bis was adopted.

Article 36 (The coca bush and coca leaves)

Mr. CURRAN (Canada), chairman of the drafting committee, said that with regard to article 36, which had been adopted at the previous meeting subject to review by the drafting committee, a problem had arisen concerning the date on which the organ referred to in

that article should take possession of the coca bushes; the drafting committee recommended that the second sentence of article 36 (E/CONF.34/21/Add.1) should be deleted and that the following passage should be inserted after the words "opium poppy": "but as regards paragraph 3 (d) of that article the requirements imposed on the agency therein referred to shall be only to take physical possession of the crops as soon as possible after the end of the harvest."

Paragraph 2 of former article 35 (E/CONF.34/21) would become paragraph 2 of article 36 as so revised, in keeping with the suggestion made at the previous meeting by the representative of India.

Article 36 was adopted as revised.

Article 42 (International trade)

Mr. CURRAN (Canada), chairman of the drafting committee, said that in deference to a remark of the Indian representative at the previous meeting concerning article 42, the committee recommended that the words "unless the government of that country or territory authorizes the diversion" in paragraph 12 should be replaced by the words "unless the government of the country or territory through which the consignment is passing authorizes the diversion".

It was so agreed.

Article 47 bis (Application of stricter national control measures than those required by this Convention)

Article 47 bis was adopted.

Article 50 bis (Territories for the purposes of articles 27, 28, 29 and 42)

Mr. von SCHENCK (Switzerland) said that he would not request a vote on the article, but if it was put to the vote he would abstain.

Article 50 bis was adopted.

Article 51 (Termination of previous international treaties)

Mr. NIKOLIC (Yugoslavia) thought that sub-paragraph (i) was unnecessary because the 1953 Protocol mentioned therein had not entered into force. Despite the condition stated at the end of the sub-paragraph, the provision was clearly illogical.

Mr. MAURTUA (Peru) pointed out that if the 1953 Protocol was not mentioned in article 51, the title of the Convention would be inaccurate.

Mr. WATTLES (Legal Adviser) said that as only one ratification was needed for the 1953 Protocol to enter into force, it was desirable that provision should be made in the Convention for its abrogation.

Article 51 was adopted.

Article 52 (Transitional provisions)

Article 53 (Denunciation)

Article 54 (Amendments)

Articles 52, 53 and 54 were adopted.

Article 55 (Disputes)

Mr. LEDESMA (Argentina) said that he would abstain if the article was put to the vote.

Article 55 was adopted.

Article 55 bis (Transitional reservations)

Article 55 bis was adopted.

Mr. MAURTUA (Peru) said that if article 55 bis had been put to the vote paragraph by paragraph, he would have voted against paragraph 1.

Article 56 (Other reservations)

Mr. CURRAN (Canada) proposed the deletion of the square brackets at the end of paragraph 3.

Mr. LEDESMA (Argentina) and Mr. CALVILLO (Mexico) said that they would abstain in the vote on article 56.

Mr. FERRARI (Brazil) said that some of the provisions of article 56, paragraph 3, might endanger the future of the Convention. If the second sentence of the paragraph was adopted as drafted, the effect would be that only the States which had ratified or acceded to the Convention would be able to rule on their own reservations to the Convention, even before its entry into force. There was no reason why reservations should be subject to comment and acceptance before the entry into force of the Convention, or why the States which were parties at the date of its entry into force should not be given an opportunity to express their objections to those reservations. He therefore proposed that the sentence should be amended to read: "if, by the end of twelve months after the date of the coming into force of this convention, this reservation has been accepted by two-thirds of the parties, it shall be deemed to be permitted."

The PRESIDENT put that amendment to the vote.

The result of the vote was 11 in favour and 6 against, with 24 abstentions.

The amendment was not adopted, having failed to obtain the required two-thirds majority.

The PRESIDENT put article 56 as a whole to the vote.

Mr. von SCHENCK (Switzerland) stated that he would abstain because certain questions arising out of article 56 had not been answered satisfactorily.

Mr. MAURTUA (Peru) said that if the article was put to the vote paragraph by paragraph, he would abstain on paragraph 2.

Mr. RODRIGUEZ-FABREGAT (Uruguay) said that he would abstain on paragraph 3 since he had voted for the Brazilian amendment.

Article 56 was adopted by 28 votes to none, with 16 abstentions.

Mr. MATHIEL (Canada) said that his delegation had expressed the view during the debate on article 56 that the explicit consent of the parties was necessary for the acceptance of a reservation. On second thought, it considered that their tacit consent would be sufficient.

Mr. WATTLES (Legal Adviser) said that the text of the paragraph would have to be amended if the principle of tacit consent was accepted. In the second sentence, the passage "if . . . this reservation has been accepted by two-thirds of the States" might be replaced by "unless . . . this reservation has been objected to by one-third of the States..."

Mr. JOHNSON (Liberia) submitted the suggestion made by the Legal Adviser as a formal proposal.

The proposal was adopted.

Article 57 (Notifications)

The PRESIDENT drew attention to the provision proposed by the Netherlands (E/CONF.34/21/Add.4, footnote to article 57).

Miss PELT (Netherlands) proposed that in article 57, sub-paragraph (d), mention should also be made of articles 50 *bis* and 55 *bis*.

It was so agreed.

Article 57, as proposed by the Netherlands, as amended, was adopted.

Article 1 (Definitions)

Mr. CURRAN (Canada), chairman of the drafting committee, explained that in the final text of article 1 the definitions would be listed in the English alphabetical order. He drew attention to the definitions recommended by the drafting committee (E/CONF.34/21/Add.4 and Corr.1, 2 and 3). In paragraph 1 (c) the words "other parts of" should be deleted. In sub-paragraph (e) of the same paragraph, the passage "whose leaf..." should be deleted. In sub-paragraph (i) the words "means the cultivation of" should be substituted for the words "includes the act of growing". In sub-paragraph (l) the word "drugs" should be substituted for the words "a drug". In sub-paragraph (p) the passage following the words "*Papaver somniferum* L." should be deleted. In addition, a few purely drafting changes were recommended in sub-paragraph (v).

Mr. BANERJI (India), referring to paragraph 1 (p), asked whether it would be correct to state that only plants of the species *Papaver somniferum* L. were actually used for the production of opium or the manufacture of opium alkaloids.

Mr. LANDE (Deputy Executive Secretary) said he could confirm that point.

Article 1, as amended, was adopted.

Preamble

Mr. CURRAN (Canada), chairman of the drafting committee, explained that the text prepared by the drafting committee (E/CONF.34/21/Add.4) took into

account both of the proposals submitted to the Conference (E/CONF.34/L.33 and L.42).

Mr. NIKOLIC (Yugoslavia) said that, as the 1936 Convention was to remain in force, it seemed inappropriate to say "replacing the existing narcotic treaties" in the penultimate paragraph.

Mr. WATTLES (Legal Adviser) said that the problem could be solved by deleting the word "the" before the word "existing".

Mr. BITTENCOURT (Brazil), supported by Mr. ASLAM (Pakistan), thought that the entire passage "replacing the existing narcotic treaties" could be deleted as the Convention was entitled "Single Convention on Narcotic Drugs".

Mr. CURRAN (Canada) did not share that view. The paragraph in question began with the word "*Desiring*" — in other words, it reflected the intention of the Conference to conclude an international convention which would replace existing treaties.

Mr. ASLAM (Pakistan) said he would not press the suggested amendment.

Monsignor FLYNN (Holy See) said he would support the preamble on the understanding that the word "welfare" in the first paragraph would be construed to mean both moral and social welfare.

Dr. HALBACH (World Health Organization) said that the words "international organs concerned", in the seventh paragraph of the preamble, were not applicable to WHO.

The preamble was adopted.

The PRESIDENT said that, having considered the draft Single Convention article by article, the Conference would proceed to consider the Convention as a whole.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that his delegation had voted against several articles of the Convention, in particular article 48, which had the effect of excluding a quarter of mankind from the Convention's field of application. Certain States had thus been subjected to unjustified discrimination solely because their social structure was not palatable to certain western powers. However, the States in question could play an important role in the campaign against illicit traffic in narcotic drugs. The real aim of the Convention was to eliminate addiction, which was a social scourge. All States should therefore be able to become parties to the Convention. But the Conference had decided otherwise and consequently the Convention did not fully justify the hopes that had been placed in it.

For that reason, his delegation would abstain during the vote on the Convention as a whole.

Mr. BOGOMOLETS (Ukrainian Soviet Socialist Republic) associated himself with the statement of the USSR representative. His delegation had also voted against article 48 and, for reasons explained earlier,

had abstained on certain articles which mentioned the Secretary-General of the United Nations. It would abstain when the Convention as a whole was put to the vote.

Mr. CERNIK (Czechoslovakia) said that certain articles were not in conformity with the declared objects of the Convention. The Convention was humanitarian in character and all countries should be able to sign it. However, article 48 laid down a procedure which was calculated to prevent the accession of certain States, including some which had acquired considerable experience in the field of narcotics control. His delegation would abstain in the vote on the Convention as a whole.

Mr. MAURTUA (Peru) recalled that his delegation was opposed to article 55 *bis*, paragraph 2 (*b*). The provisions of that article on the subject of reservations were prejudicial to the sovereignty of States.

Mr. SHADURSKY (Byelorussian Soviet Socialist Republic) said that the Conference had to some extent improved and simplified the text of the third draft of the Convention, but unfortunately had not shown a spirit of co-operation in the discussion of many basic provisions. Under article 48, certain States which were major producers of natural and synthetic drugs and which were prepared to participate in the prevention of the illicit drug traffic were prevented from becoming parties to the Convention. For political reasons, instead of being guided by the interests of the Convention, the Conference had discriminated against the Democratic Republic of Viet-Nam, the Mongolian People's Republic, the German Democratic Republic and the Democratic People's Republic of Korea. It had also ignored the dictates of common sense by recognizing the credentials of persons belonging to the Chiang Kai-shek clique, who had no right to represent the Chinese people. Only representatives appointed by the Central People's Government of the People's Republic of China were qualified to participate in the Conference.

A number of articles, notably articles 20, 21, 22, 32 and 42, infringed the sovereign rights of countries not parties to the Convention, in particular countries prevented by article 48 from acceding to it. The bodies established by the Convention were authorized, under article 20, to request the submission of estimates and to decide, in accordance with article 21, whether or not a State which was not a party to the Convention was observing its provisions. Under article 22, those bodies could also apply various sanctions against a State which was prevented from acceding to the Convention and, in accordance with article 20, could, without the knowledge of the government concerned, establish an estimate of the legitimate drug requirements of that State. Article 23 jeopardized the right of States to conduct trade on the basis of equality and mutual economic benefit. Those provisions were contrary to the fundamental principles of the United Nations and to accepted standards of international law and would undoubtedly be condemned and rejected, since no convention or narrow majority could halt the course of history.

For reasons unconnected with the aims of the Convention, many delegations had refused to include in the Conference's resolutions a statement to the effect that an essential prerequisite for the prevention and elimination of drug addiction was the systematic application by States of measures to improve the material well-being and cultural standards of the population and to provide universal medical care, as had been proposed by the delegations of Byelorussia, Indonesia, and Czechoslovakia.

Article 55, which dealt with disputes, and article 57, on the subject of reservations, were unsatisfactory. Furthermore, many provisions of the Convention referred to the Secretary-General of the United Nations, whom many Member States, including the Byelorussian Soviet Socialist Republic, did not recognize and who had forfeited the confidence of the Organization.

For those reasons his delegation would abstain from voting on the Convention as a whole.

Mr. WEI (China) said that no representative had the right to insult any government.

U TIN MAUNG (Burma) said that his delegation had reservations with regard to article 48, which discriminated against certain countries. In its opinion, the campaign against the illicit drug traffic could not be universal in character unless all States wishing to associate themselves with it became parties to the Convention. His delegation would nevertheless vote in favour of the Convention as a whole.

Mr. LEWANDOWSKY (Poland) said that his delegation had voted against the articles which discriminated against certain States. Since those provisions had been retained his delegation would be obliged to abstain on the Convention as a whole.

Mr. BRUNNER (Federal Republic of Germany) said that, by referring to the region of Germany occupied by the USSR, the Byelorussian representative had merely emphasized the weakness of his position. In any case, the device of painting a tendentious picture of the situation in the Federal Republic of Germany could not serve any purpose.

Mr. RODIONOV (Union of Soviet Socialist Republics) said that the statement made by the representative of the Federal Republic of Germany had no bearing on the aims of the Conference.

Mr. SHADURSKY (Byelorussian Soviet Socialist Republic) pointed out that he had not referred to the Federal Republic of Germany in his statement.

Mr. BANERJI (India) said he would vote in favour of the Convention as a whole, but wished to emphasize the desirability of its universal acceptance. All States without exception should be able to become parties to it.

Mr. von SCHENCK (Switzerland) stated that he would vote for the Convention as a whole, although his delegation did not agree with some of its provisions, and had abstained from the vote on some clauses.

Mr. NIKOLIC (Yugoslavia) said that he would also vote for the Convention as a whole, but considered,

as had the representative of India, that as the purposes of the Convention were humanitarian all States should be able to become parties.

Mr. ADJEPONG (Ghana) explained that his vote in favour of the Convention should not be taken to imply that his delegation had changed its position with regard to the representation of China.

Mr. CURRAN (Canada) said that his delegation would have pleasure in voting for the Convention. The Conference had made a considerable effort to work out a compromise and the resulting text largely took into account the various points of view that had been expressed. He regretted that some delegations had considered it necessary to make statements which could serve no useful purpose at that stage in the discussion.

Mr. LEDESMA (Argentina) recalled that his delegation had voted against certain of the Convention's provisions. Those provisions did not, however, deal with fundamental matters, and he would vote in favour of the Convention as his delegation attached great importance to the goal it sought to achieve.

Mr. DELGADO (Philippines) said that, although his country did not produce or manufacture drugs, he would vote in favour of the Convention in the interests of all mankind. He expressed his appreciation of the tact, patience and skill shown by the President throughout the Conference. He also paid a tribute to the work of the vice-chairmen and chairmen of committees and thanked all members of the Conference secretariat.

Mr. ACBA (Turkey) said that he would vote for the Convention in a spirit of compromise although the new text did not, in his opinion, constitute an advance on previous international instruments in the matter of measures to restrict the illicit traffic. Article 32 in particular was unsatisfactory in that respect. It was nevertheless to be hoped that the Convention would prove useful in mankind's campaign against drug addiction.

Mr. RODRIGUEZ-FABREGAT (Uruguay) expressed the hope that the Peruvian delegation's comments on certain legal aspects of the Convention would be borne in mind. The participants in the Conference had shown a commendable spirit of co-operation and his delegation would vote in favour of the Convention.

Monsignor GRIFFITHS (Holy See) said that the Conference was to be congratulated on having drafted a convention which represented a substantial step forward in the moral and social welfare of mankind. His delegation attached great importance to the Convention, which would have a direct influence on the preservation of human dignity and contribute to the full development of the human personality. At the same time, the Convention recognized the fundamental necessity of providing for the rational use of drugs for medical and scientific purposes. In addition to its social, economic and legal content, the Convention had a moral aspect. The Holy See, which had always been concerned with the welfare of mankind and of civilization, was therefore happy to lend its moral support to the humanitarian aims of the Conference.

His delegation thanked the committees and the secretariat for their excellent work and wished to express its appreciation of the wisdom, patience and courtesy the President had shown at all times. It was to be hoped that the welcome spirit of co-operation that had prevailed throughout the deliberations would lead to international understanding in other fields of interest to mankind.

The PRESIDENT put the Convention as a whole to the vote.

The Convention as a whole was adopted by 46 votes to none, with 8 abstentions.

Mr. MOLEROV (Bulgaria), explaining his abstention, said that a number of provisions in the Convention were unacceptable to his government, in particular article 48, which had the effect of barring some countries from becoming parties to the Convention. His delegation also considered that the Convention should have referred to the Secretariat of the United Nations and not to the Secretary-General.

Draft resolutions (concluded)

The PRESIDENT drew attention to the revised texts of the draft resolutions (E/CONF.34/L.25/Rev.1, L.27/Rev.1, L.32/Rev.1, L.43/Rev.2 and L.46/Rev.1) discussed at the 40th, 41st and 42nd plenary meetings.

The draft resolutions were adopted, subject to drafting changes.

Final Act

The PRESIDENT drew attention to the draft of the Final Act prepared by the secretariat (E/CONF.34/L.45).

Mr. WATTLES (Legal Adviser), referring to the proposal of the Indian representative made at the 42nd meeting in connexion with article 50 (Territorial application), suggested that a footnote might be appended to paragraph 13 of the draft Final Act, in the following terms: "The Conference took note that the Convention was adopted without prejudice to any decisions in any relevant General Assembly resolution."

Mr. BANERJI (India) proposed that the words "or declarations" should be added after the word "decisions" in the suggested text, for General Assembly resolution 1514 (XV), which he had had particularly in mind, was in fact a "declaration".

The footnote suggested by the legal adviser, as amended by the representative of India, was approved.

Mr. de OLIVEIRA (Portugal) said that his delegation interpreted the footnote as being without prejudice to reservations formulated by Member States to resolutions or other decisions of the General Assembly.

The Final Act as drafted by the secretariat, with the addition of the footnote to paragraph 13, was adopted by 50 votes to none, with 1 abstention.

Closure of the Conference

The PRESIDENT said that the Conference had completed its task of drafting a Single Convention that would take the place of the nine existing instruments, reconcile

conflicting provisions, eliminate gaps and remove points of disagreement. It remained for the Secretariat to reproduce the text, in the official languages. He trusted that all delegations would be able to sign the Convention and that it would be ratified by the governments.

The hardest work had been done by the committees to which the problems not settled in plenary had been referred and whose solutions had for the most part been adopted by the Conference as a whole. Thanks to the efforts of delegations and to the co-operation and moderation shown, the Conference had been able to complete its work in a relatively short time. Its success had undoubtedly been due in large part to the vice-presidents of the Conference and to the chairmen of the committees, in particular the chairman of the drafting committee, who had ensured that the text was clear and logical. The Conference also owed much to the special knowledge and dedication of the experts of the Permanent Central Opium Board, the Drug Supervisory Body, WHO, the ILO, ICAO, Interpol and the permanent central narcotics control bureau of the League of Arab States. A tribute should also be paid to the Executive Secretary and his assistants and to the other members of the secretariat, all of whom had made an important contribution.

It was legitimate to ask what would be the practical effect of the Conference's efforts and what place the Convention would occupy among multilateral treaties. The successful application of a treaty required more than the acceptance of a common aim, the drafting of a perfect legal instrument, or the existence of a sincere spirit of co-operation; the time also had to be ripe, in the sense that the necessary material conditions and a suitable psychological climate had to exist in the countries where the treaty was to be applied. The Conference had been well timed. Narcotics control had been functioning for many years and had developed satisfactorily. Since the first Opium Conference fifty-two years earlier, the principles on which narcotics control was based had gained universal recognition and there had been a steady strengthening of agencies to frame and enforce the necessary measures at the national and international levels.

The Conference had not had to start from scratch. Legislative and administrative practice had developed to a point at which it was feasible to draft a general convention. Under Economic and Social Council resolution 689 J (XXVI) the Conference had been set three objectives. The first—"to replace by a single instrument the existing multilateral treaties relating to the control of narcotic drugs"—had been achieved. The various provisions of the existing multilateral treaties had been combined in a single general instrument; only the 1936 Convention remained. The second objective—"to reduce the number of international treaty organs exclusively concerned with such control"—had been more than fulfilled. Under the Convention, the Permanent Central Opium Board and Drug Supervisory Body would be replaced by a single body, whose secretariat would, moreover, be the same as that of the Commission on Narcotic Drugs of the Economic and Social Council. The temptation of setting up another permanent body had been

resisted. But, in attempting to attain the third objective—"to make provision for the control of the production of raw materials of narcotic drugs"—the Conference had not succeeded in establishing as comprehensive a system as some delegations had hoped. That had been the most delicate part of its task, and it had to be recognized that the ideal could not yet be achieved. The fact remained that substantial results had been achieved. The Conference had laid down a rational foundation on the basis of which the experience and practice of the various countries could be incorporated in international law. Attention should be drawn to the significance of the general obligation, which was universally recognized, not to permit the production of raw materials except for medical and scientific purposes. The principles adopted with regard to the countries which cultivated the plants from which the narcotic drugs were derived were no less important. The most substantial progress had been made in regard to the control of the production of the opium poppy and opium. In the case of coca, the Convention reflected the desire that the control system should be modelled as far as possible on that applied to the opium poppy. With regard to cannabis, it would seem that, under the Convention, production should be prohibited except in special cases. Experience had in any case shown that cannabis produced for industrial purposes was not normally the subject of illicit traffic. Lastly, the Conference had succeeded in finding an acceptable solution of the delicate problem of the nature of the obligations of governments in regard to particularly dangerous narcotic drugs such as heroin.

The Conference's task had not been limited to the three objectives set by the Economic and Social Council. It had also had to simplify conventional law and, while the Convention was not very simple, it undoubtedly represented a step forward.

The Conference's achievements had been made possible by the spirit of compromise and good-will shown by delegations. Although the Convention adopted was less detailed than could have been hoped, it had the merit of reflecting the general desire and would no doubt prove effective. It was to be hoped that it would be ratified without undue delay.

In conclusion, he paid a tribute to the spirit of co-operation and moderation shown by the delegations participating in the Conference in their effort to improve the lot of mankind.

Mr. TABIBI (Afghanistan) thanked the President and congratulated him on his tactful and effective direction of the work of the Conference. He paid a tribute to the devoted labours of the drafting committee, and in particular of its chairman, Mr. Curran.

The Executive Secretary, the Deputy Executive Secretary, the Legal Adviser and their assistants were also to be commended for their contribution to the success of the Conference. Thanks were also due to the United States delegation for the hospitality it had extended to the members of the Conference. Satisfactory results had been achieved, thanks to the atmosphere of under-

standing and co-operation in which the Conference had done its work. It was to be hoped that the Convention would be accepted by a very large number of countries and would enter into force within a short space of time.

Mr. RODIONOV (Union of Soviet Socialist Republics), speaking also on behalf of the Byelorussian and Ukrainian delegations, said that the Convention, while not entirely satisfactory, contained many useful provisions and would promote the fundamental purpose of the Conference. He paid a tribute to the ability and tact of the President, who had discharged his difficult duties with signal success. A word should also be said concerning the high quality of the interpretation and translations into Russian.

Mr. BITTENCOURT (Brazil), on behalf of the Latin American countries and Spain and Portugal, Mr. GREEN (United Kingdom), Mr. MABILEAU (France), speaking on behalf of the western European countries, Mr. JOHNSON (Liberia), Mr. ADJEPONG (Ghana), Mr. ISMAIL (United Arab Republic), U TIN MAUNG (Burma), Mr. ASLAM (Pakistan), Mr. KENNEDY (New Zealand), Mr. NIKOLIC (Yugoslavia), Mr. BANERJI (India), speaking on behalf of Japan and India, Mr. WARREN (Australia), Mr. WEI (China), Mr. KOCH (Denmark), Mr. AZARAKHSH (Iran) and Mr. ZIDON (Israel) also congratulated the President, the chairman

of the drafting committee, the Executive Secretary and his colleagues, and the members of the secretariat, whose energy and skill had enabled the Conference to achieve heartening results in its short session.

Mr. CURRAN (Canada) congratulated the President on his patience and wisdom and paid a tribute to Mr. Aslam, who had ably directed the work of the Conference in the absence of the President. He also congratulated the chairmen of the various committees and all the representatives and officials of the Secretariat. As a result of the efforts of all concerned, the Convention was a document which would be a landmark in the history of the campaign against narcotic drugs. He hoped that it would be promptly ratified by a large number of countries.

Mr. YATES (Executive Secretary), on behalf of the secretariat, thanked the previous speakers. The Convention was a step forward by comparison with the previous instruments and reflected the tendency to integrate narcotic drug control within the general economic and social activities of the United Nations.

The PRESIDENT declared the Conference closed.

The meeting rose at 2.55 p.m.
